



1R-96-R6

**People Organized in Defense of Earth and her Resources**

October 11, 1995

Mr. Daniel J. Rondeau  
Director, Office of Civil Rights  
Environmental Protection Agency  
401 M Street, SW  
Washington, DC 20460

BY FEDERAL EXPRESS

Re: Title VI Administrative Complaint About Discriminatory Practices of the  
Texas Natural Resource Conservation Commission and City of Austin

Dear Mr. Rondeau:

On behalf of PODER, People Organized in Defense of Earth and Her Resources, and MANIC, Montopolis Area Neighborhood Improvement Council, two grassroots community groups organized within Travis County, Texas concerning continuing environmental justice and interrelated inequities, are hereby filing this administrative complaint pursuant to Title VI of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000d (hereafter "Title VI") against the State of Texas acting through the Texas Natural Resource Conservation Commission ("TNRCC") and also against a municipality, the City of Austin, Texas ("Austin").

The US Environmental Protection Agency ("EPA") and EPA's Office of Civil Rights have jurisdiction over this matter because the TNRCC oversees the request, application, receipt, deployment and administration of federal funds from the EPA for environmental protection purposes. The City of Austin itself applies, receives and oversees the use of federal funds directly from the EPA for public health and environmental protection purposes, and indirectly receives additional federally-approved funds through the TNRCC for similar purposes.

PODER and MANIC allege that both the TNRCC and the City of Austin discriminate against people of color residents of Texas and Austin respectively by ignoring their environmental protection and public health needs in violation of the Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d and its implementing regulations

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which are codified at 40 C.F.R. Part 7 ("Title VI"). PODER and MANIC allege that both the TNRCC and the City of Austin have engaged in concerted and systematic discriminatory conduct through the concealment of information, circumvention of laws, indifference to environmental regulations and responsibilities, and participation in a conspiracy to deny minorities, including people of color and low-income citizens, equal protection of the law. Because the TNRCC, the State of Texas and the City of Austin receive federal funds from the EPA, they are obligated to comply with Title VI of the 1964 Civil Rights Act, which prohibits discrimination in programs using federal funds. Moreover, President Clinton's February 11, 1994 Executive Order No. 12898, affirms and prescribes fundamental requirements for federal agencies to insure that all federal programs and federally funded agencies shall not be allowed to increase the disproportionate burdens of environmental hazards in communities of color and low-income neighborhoods, such as areas of Austin, Texas (see Appendix A, Exhibit 1).

## **I. Tokyo Air Permit Application**

On May 17 and 18, 1995, Tokyo Electron America Inc. published in the Austin American Statesman its notification of application for Texas Natural Resource Conservation Commission (TNRCC) Air Quality Permit No. 29198. This notice also stated that Tokyo's facility would emit the following air contaminants: acids, inorganic compounds, and carbon compounds (see Appendix A, Exhibit 2).

On June 19, 1995, PODER requested a public hearing regarding Tokyo Electron America, Inc. Air Quality Permit No. 29198. PODER raised concerns regarding numerous facilities in the same adjacent area that emit toxic chemicals and the possible adverse cumulative impact of these emissions on the people in the community. PODER was concerned that the Tokyo facility was being modeled as if it were the only facility in the area (see Appendix A, Exhibit 3).

PODER and MANIC representatives addressed the City of Austin Planning Commission on June 20, regarding Tokyo Electron America Inc.'s application for a "cut and fill variance" for the construction site at 2400 Grove Boulevard. PODER and MANIC representatives requested a postponement of the public hearing due to the fact that much of Tokyo's files at the City of Austin and TNRCC were stamped "confidential" making information inaccessible to the community (see Appendix A, Exhibit 4). The hearing was then rescheduled for July 11, 1995, at which time PODER and MANIC representatives again stated that they could not agree to a variance permit without first having access to Tokyo's complete file. PODER also reminded the Planning Commission that according to President Clinton's Executive Order No. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, no study had been done to examine the environmental, human health, or economic effect on surrounding populations regarding the siting and permitting of Tokyo Electron America Inc. facility. Planning Commissioners had numerous concerns regarding the granting of a variance to Tokyo. Planning



Commissioner Dave Sullivan, agreed that some investigation needed to be done in regards to the Executive Order No. 12898. He was concerned about the clustering of polluting facilities in the Montopolis community. The Planning Commissioners then passed a resolution to postpone the public hearing until July 25, 1995, to allow time to obtain more information .

On July 13, after Angelos Angelou, then with the Greater Austin Chamber of Commerce, spoke to some of the Austin City Council members in an emergency briefing (see Appendix A, Exhibit 5). At the next regular Council meeting on July 20th, the Austin City Council by-passed the Planning Commissions resolution to postpone the public hearing and granted a special ordinance that gave Tokyo Electron approval for the cut-and-fill variance (see Appendix A , Exhibit 6). No mention was made regarding the public health and environmental impacts on the Montopolis community (see Appendix A, Exhibit 7).

After an attempt to obtain information regarding chemicals to be used at the proposed facility from both Tokyo and TNRCC, in a letter dated June 13, PODER proceeded by requesting all information in reference to pending Air Permit No. 29198, according to the Texas Open Records Act (See Appendix A, Exhibit 8 & 9). On July 28, PODER again requested information from TNRCC's Air Program regarding Tokyo's Air Permit (see Appendix A, Exhibit 10). TNRCC has continued to ignore PODER's request and made it necessary for PODER to seek legal counsel to obtain the information (see Appendix A, Exhibit 11). PODER and MANIC feel that the potential health and environmental impacts cannot be fully determined without complete access to information.

#### A. Montopolis Environmental Hazards

PODER and MANIC, comprised of concerned citizens, many of whom are people of color and low-income individuals residing within Travis County, Texas, have been adversely impacted and continue to be adversely impacted by the siting of nearby facilities. Facilities and proposed facilities within the Montopolis neighborhood area where Tokyo Electron is proposing to build it's new facility may have serious cumulative environmental impacts to the residents. Among these facilities is Advanced Micro Devices Inc., the top polluter in Austin and Travis County. (See Appendix, Exhibit 12). The new proposed facility of Tokyo Electron America Inc., will be built within feet of Advanced Micro Devices. SEMATECH, a consortium of U.S. semiconductor manufacturers conducting research on semiconductor manufacturing technology for the U.S. semiconductor industry, is located directly behind the proposed Tokyo facility. Wilson Oxygen, a company that provides gases and solvents to various companies, is also located within feet of the proposed Tokyo facility. An international airport is presently under construction by the City of Austin at the former Bergstrom Air Force base in the Montopolis area. The Base has over 25 contaminated sites. The City of Austin is also attempting to issue bond money to build a light rail system through the Montopolis community. A recent attempt to issue bond money for

a proposed minor league baseball stadium in the Montopolis area failed at the polls due to fast tracking and a lack of citizens participation in the process.

The above facilities located within the Montopolis Area are located in Travis County, which are under the jurisdiction of the State of Texas and the TNRCC. These facilities are just a few among many other polluting and hazardous facilities located in East Austin (see Appendix A, Exhibit 13).

## B. East Austin Environmental Hazards

For over 35 years people of color residents had been exposed to toxic chemicals coming from fuel storage tank facilities ("Tank Farm") in east Austin, Texas. Contaminated groundwater, with unsafe levels of benzene and other gasoline-related toxins, were confirmed at the tank farm area according to the monitoring done by the Texas Water Commission in 1992. The tank farm facilities were owned by six different companies. Each were permitted as a separate facility by the Texas Air Control Board and the Texas Water Commission (these agencies now consolidated as Texas Natural Resource Conservation Commission). The cumulative impact of these facilities were never addressed during permitting until PODER and EAST (East Austin Strategy Team) brought this to the above agencies attention as a complaint. PODER, EAST and neighborhood associations struggled to close the tank farm due to adverse impacts. The Tank Farm is presently closed and the tanks are being disassembled. This case is currently in litigation as a result of a lawsuit brought by area residents impacted by the contamination of these facilities.

The Holly Power Plant, located in a predominately Latino (termed Hispanic in U.S. Census) East Austin Community, was built by the City of Austin in the late 1950's. For more than 30 years, residents have lived next to a power plant which at times operates 24 hours, exposing them to disturbing monotonous noise pollution, harmful air emissions, and high electromagnetic fields (EMFs) levels. The Holly Street Power Plant Closure Committee was formed by neighborhood associations and organizations as a result of fires igniting at the plant causing alarm and raising concern about exposure from toxic chemicals and the lack of an evacuation plan in case of an emergency. Several city council members stated that the Holly Power Plant should never had been built there. In May 1995, the City of Austin City Council voted to close the plant. The exact date of closure is currently under discussion.

Motorola, another semi-conductor industry located in East Austin is the second largest polluter in Austin and Travis County. Motorola and Advanced Micro Devices, both large users and dischargers of water, utilize over 5 million gallons of water per day. The waste water treatment facilities receiving these polluted waters are all located in East Austin, where as the facilities that provide Austin with potable water are all located in West Austin, the more affluent community.

It has been documented that adverse impacts are caused by exposure to toxic,

hazardous and noxious chemicals and wastes associated with operations of facilities such as the above mentioned. These facilities are all located in the entire community area known as the Industrial Expansion Area in East Austin.

## **II. Austin Created an Industrial Expansion Area immediately adjacent to Austin Neighborhoods Extensively Populated by People of Color**

In 1988, Austin leaders officially created the city enterprise zone policy which covered basically the entire area east of Interstate Highway 35 (see Appendix B, Exhibit 1). This began an aggressive development campaign to encourage industrial progress in the east sector of the City fully aware that there were densely populated neighborhoods consisting of people of color who were poor directly adjacent to the planned city enterprise zone (see Appendix B, Exhibit 2). On November 7, 1991, after much protest from people of color organizations, the Austin City Council passed a new ordinance which replaced the City's enterprise zone with the Industrial Expansion Area. Through use of territorial jurisdictions, deed restrictions, zoning variances, zoning ordinances, tax abatements, utility services and by implementing all possible City planning avenues for economic development the City of Austin actively promoted the Industrial Expansion Area development without attempting to address or plan to resolve the problem of densely populated neighborhoods next to the new industrial expansion area or to address that the neighborhoods were mainly poor people of color. At the same time, the City of Austin further discriminated by pro actively encouraging industrial development away from the more affluent west section of the City where people of color resided in less dense populations compared to the east industrial area.

Austin leaders historically have made plans which have disproportionately affected people of color's environment. In 1928, the City of Austin adopted "A City Plan for Austin" which includes a housing plan by the Austin Housing Authority. The housing plan, approved by the Planning Commission and later by the City Council of Austin, was to locate three racial housing projects. This plan began the segregation of three ethnic groups; Chalmers Court for Anglos, Rosewood Courts for African Americans, and Santa Rita Courts for Mexican Americans. From 1938 to 1967, it was the official policy of the Housing Authority to segregate Anglos, African Americans and Mexican Americans into the different housing projects. This plan would dictate the settlement of African Americans and Mexican Americans in East Austin. In 1968, the City of Austin was forced to comply with Federal legislation and give up its official overt discrimination in reference to housing or lose large amounts of Federal housing dollars.

Furthermore, the 1928 City Plan proposes that "objectionable" industry will be located in East Austin Area. Justifiably, in 1991, the Mayor and City council approved establishing the city's Industrial Expansion Area encompassing all of East Austin by



use of deed restrictions and zoning laws, thereby providing discounted utility services and other economic incentives to industry. The City of Austin has promoted economic development by allowing polluting industries such as Advanced Micro Devices, Motorola, and Applied Materials, to site facilities in East Austin but has failed to encourage simultaneous sustainable development and provide protective buffer zones and other environmental protection to adjacent residential neighborhoods.

Since the City of Austin is chartered under the Constitution of the State of Texas and acts through a City mayor, City council and City manager, they are responsible for requesting, developing, approving and issuing zoning ordinances, deed restrictions, zoning variances, tax abatements, and all utility services provided by the City of Austin to industrial business and residential customers. As a result of these and other disparate activities, people of color and poor communities have not been part of the decision making process that have allowed the siting of polluting facilities in their neighborhoods and have consequently suffered and continued to suffer from the present effects of past discrimination.

A. Disparate Industrial Pollution Impacts and Locations of People of Color Populations: Travis County, Austin, Texas

As previously stated above, horrific and continuing pollution have bombarded residents living adjacent to and within the proximate vicinity of the polluting facilities. As a result, the effects of this pollution disproportionately impacts people of color communities and low-income citizens in both Austin and Travis County.

From 1990 Census data, Travis County is 35% people of color and 65% white. People of color percent rises significantly past 35% in county zip codes and census tracts in vicinity of and directly adjacent to major industrial areas of the east section of Austin, which borders the high population density residential neighborhoods. In the Montopolis area, where Tokyo is planning to build its integrated circuit fabrication equipment manufacturing facility, people of color living in census tract 23.12 and 23.11 are being burdened with polluting facilities. According to the 1990 Census, 79.6% of the population is Hispanic in census tract 23.12, where as the total Hispanic population in Austin Travis County is 21.1%, that is a difference of 377%. In census tract 23.11, 59.6% of the population is Hispanic, compared to 21.1% of total population for Austin Travis County, a difference of 282%. It is also important to note that in census tract 23.11, 21.8% of the population is Black, where as, the total Black population for Austin Travis County is 10.6%, a difference of 205% (see Appendix B, Exhibit 3). The fact is that most disproportionate pollution impacts have occurred in census tracts and zip codes closest to the industrial cluster where people of color populations are simultaneously among some of the highest in Travis County, exceeding 35% to 60% and 75%. Disparity of toxic, hazardous and noxious air pollution and other impacts is obvious and striking when toxic release and state emission data are superimposed on the zip codes. The disparity increases due to impacts from area ground water and soil contamination.

One of the poorest sections of Austin is the Montopolis area and neighborhoods in the east industrial cluster, and residents can least afford to relocate to more expensive sections of Austin or to fully seal and insulate their homes from all pollution impacts (Appendix B, Exhibit 4).

PODER and MANIC members living in affected neighborhoods of the Industrial Expansion Area and other area polluting facilities, have been adversely exposed, in some cases for years, to toxic, hazardous and noxious substances through a variety of pathways, including but not limited to, breathing contaminated air, skin exposure from particle fallout and vapors, ingesting contaminated fish, and eating other contaminated foods.

### **III. Disproportionate Impacts of Pollution on People of Color and the Poor**

#### **A. Scholarly Studies and Analysis**

PODER and MANIC recognize that the Office of Civil Rights is well aware of the studies and anecdotal evidence establishing that the hazards posed by pollution, including toxic and hazardous wastes in the United States are disproportionately borne by people of color communities and the poor.

#### **B. Legal Authorities: Title VI of the 1964 Civil Rights Act**

The complainants bring this administrative action pursuant to Title VI of the Civil Rights Act of 1964. The complainants note that the subject of their complaint also implicates the Constitution of the United States. PODER and MANIC further acknowledge the Office of Civil Rights' expertise in this area of law, and will only briefly, and for the purposes of clarity, review the mandate of Title VI, 42 U.S.C. §2000d. Section 2000d states in relevant paragraphs:

No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

42 U.S.C. Section 2000d, Title VI, Section 601.

The Act also provides in Section 602:

Each Federal department and agency which is empowered to extend Federal financial assistance to any program or activity . . . is authorized and directed to effectuate the provisions of Section 2000d of this Title with respect to such program or activity by issuing rules, regulations and orders . . . which shall be consistent with the achievement of the objectives

of the Statute authorizing the financial assistance in connection with which the action is taken.

42 U.S.C. § 2000d-1, Title VI, Section 602.

The EPA's applicable regulations prohibit not only intentional discrimination, but also uses of federal funds that have discriminatory effects. The EPA regulations implementing Title VI state:

A recipient shall not use criteria or methods of administering its program which has the effect of subjecting individuals to discrimination because of their race, color, national origin, or sex, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular race, color, national origin, or sex.

40 C.F.R. § 7.35 (b) (emphasis added).

Thus, under Title VI and the EPA's implementing regulations, programs receiving EPA funds may not be administered in a manner that has the practical effect of subjecting individuals to discrimination based upon race. As set forth below, however, Texas' environmental programs do just that. The complainants allege that the TNRCC, using federal funds, provides environmental protection services that reflect disregard for the environmental protection needs of people of color and poor residents of Texas. In short, TNRCC's provision of environmental protection services discriminate, if not by intent then certainly by effect, against the people of color and poor residents of Texas. Complainants further assert that the TNRCC has no persuasive justification for its discriminatory acts and omissions.

Title VI and the federally funded programs of the Austin health programs have similar problems and effects. Complainants allege the Austin, using federal funds, provides health and environmental protection services that reflect disregard for the health and environmental protection needs of its people of color and poor residents. In short, Austin's provision of health and environmental protection services discriminate, if not by intent then certainly by effect, against the people of color and the poor residents of the City. Complainants further assert that the Austin has no persuasive justification for its discriminatory acts and omissions.

### C. Evidence of Title VI Violation

#### 1. Disparate Provision of Services

Prior to September 1, 1993, there were two primary governmental agencies responsible for environmental protection services in Texas, the Texas Air Control Board ("TACB") and the Texas Water Commission ("TWC"). The two bodies were



separate entities with their own boards or commissioners and policies but both received federal funds from the EPA. In order to facilitate their administrative operation, both the TACB and the TWC divided Texas into Regions or Districts (sub-sections) over which they maintained direct control. The TWC also previously underwent a consolidation in March 1992 with the Solid Waste Division of the Texas Department of Health, and is now in the Commission's Office of Waste Management as the Municipal Solid Waste Program to regulate municipal landfills.

On September 1, 1993, the two bodies were merged into a single unit, the Texas Natural Resource Conservation Commission, TNRCC. TACB became the Office of Air Quality within TNRCC. The TNRCC has changed the division of Regions in Texas from 12 (TACB) and 14 (TWC) to 15 but it, like its predecessors, still maintains direct control over these sub-sections since TNRCC's 15 Regional Managers are appointed by the highest officials in Austin's Central Office and follow strict guidance received directly and routinely from the TNRCC's Central Office executives in Austin. For all intents and purposes, the operation of the TNRCC has remained unchanged to that of the TACB and the TWC and accordingly while some of the substantive content of this administrative charge commenced prior to the creation of the TNRCC, the TNRCC as the primary existing environmental protection body, is cited as the responsible agency. Indeed, the State Legislature in 1991 specifically authorized creation of TNRCC to consolidate and improve environmental protection services in Texas, but PODER and MANIC believe the TNRCC is operating in essentially a very similar, if not identical discriminatory manner, as the TACB and the TWC did before for several decades. The TNRCC has continued to administer basically the same policies, rules and programs that the complainants allege are discriminatory and PODER and MANIC allege that there has been essentially no improvement or changes in the degree of discrimination since the TNRCC came into being on September 1, 1993. Indeed the majority of TNRCC personnel in Austin and the Field Offices are staff from the old TACB and TWC.

## 2. Examples of TNRCC Discriminatory Practices in Environmental Protection and Enforcement of Regulations: Specific Acts of Discrimination & Omissions

The TNRCC has demonstrated bias or prejudice in favor of Austin industries and polluters, and against citizens, and has not provided members of PODER and MANIC with complete access to information on Tokyo's Air Permit No. 29198. PODER and MANIC are still waiting for information on Tokyo's air modeling, chemicals to be used, and environmental and health impacts. TNRCC's failure to provide pertinent information has not allowed the community to assess the health and environmental impacts that the Tokyo facility would have on the Montopolis Community and to fully participate in the process in regards to the siting of the facility in the Montopolis area.

The TNRCC's action to fast track Tokyo's air permit to construct and operate before complete information was made accessible to the community displayed an intentional decision to:

- a. deny pertinent information which would have allowed the community to assess the health and environmental impacts that the Tokyo facility would have on the Montopolis Community, and
- b. ignored community concerns and full participation to consider the siting of the facility in the Montopolis area, and
- c. use a rural land use parameter in the air modeling dispersion calculation instead of an urban land use parameter more characteristic of the immediate residential neighborhoods in the Montopolis area surrounding the Tokyo site, and
- d. continue the clustering of polluting facilities east of IH 35 where people of color and low-income populations are proportionately higher.

3. Examples of the City of Austin Discriminatory Practices in Environmental Protection and Enforcement of Regulations: Specific Acts of Discrimination & Omissions

The City of Austin's action to fast track Tokyo's construction process and bypass the Planning Commission's Resolution to Postpone the Tokyo Electron America, Inc. Public Hearing until complete information was made accessible to the community and Commissioners, displayed an intentional decision to:

- a. deny pertinent information which would have allowed the community to assess the health and environmental impacts that the Tokyo facility would have on the Montopolis Community, and
- b. deny community from fully participating in the process in regards to the siting of the facility in the Montopolis area, and
- c. continue the clustering of polluting facilities east of IH 35 where people of color and low-income populations are proportionately higher.

It is the position of the complainants that the foregoing, omissions, and procedural deficiencies on the part of the City of Austin, the State, and the TNRCC violates Title VI of the Civil Rights Acts of 1964 and 40 CFR 7.35 (b) and (c) in that they clearly have a discriminatory effect, if not also purpose, on people of color members of PODER and MANIC, as well as on other people of color living and working in Austin. The TNRCC has not given appropriate consideration, if any, to its legal obligations under the foregoing authorities. Environmental inequity was brought up by members of PODER and MANIC, but was not formally reviewed by the TNRCC in its permit decisions on any of Austin industrial district plants. The TNRCC alleges that it has no set of policies, rules, regulations or statutory requirements to require it to address requests such as those of PODER and MANIC to review disparate environmental hazards in communities of color. This is why these communities and neighborhoods are being selectively targeted. Citizens living in East Austin already have to bear a heavy burden of harmful polluting facilities from decades of targeting, ineffective regulations, lax enforcement, and permit renewals, amendments and new permits that only serve to increase current disparities of environmental hazards in the area.

## Conclusion

Based upon all the reasons set out above, it is clear that the State of Texas' and the TNRCC's environmental programs are designed and administered in a fashion that encourages siting, permitting and polluting activities by large industrial plants in areas that are largely people of color and low-income. Further it is clear that the City of Austin's health and environmental protection programs function in a similar manner to the TNRCC's. On behalf of PODER and MANIC, we urge the Office of Civil Rights to investigate these situations, and recommend to the President and Congress that the State of Texas, the TNRCC and the Austin be required to administer their respective health and environmental protection programs in a manner that does not discriminate against people of color or low-income citizens of the State of Texas and the Austin, Texas.

Further the complainants urge your prompt attention to the TNRCC's and Austin's activities with regard to the Austin industrial district and related Travis County sources of pollution, and respectfully request your Office's assistance in securing the TNRCC's and Austin's full and continuous compliance with the foregoing authorities and remedying the effects of the discrimination that have already occurred for several decades.

In conclusion, we and Richard Lowerre stand ready to provide you with additional information at our disposal. Please contact Richard Lowerre should you have any questions concerning the matters set out in this Formal Complaint. Finally on behalf of PODER and MANIC, thank you for your consideration and attention. We look forward to your prompt response.

Sincerely yours,



Susana Almanza, Director  
PODER  
55 N. IH 35 #205-B  
Austin, Texas 78702



Roland Ortiz  
MANIC  
1416 Montopolis Drive  
Austin, Texas 78741

Enclosure: Lists of Appendix A  
Lists of Appendix B

CC: Richard Lowerre  
Henry, Lowerre, Johnson, Hess, and Frederick  
Attorneys at Law



President Bill Clinton

Governor George Bush  
State of Texas

Ms. Carol Browner, Administrator  
Environmental Protection Agency

Deeohn Ferris, Director  
Washington Office on Environmental Justice

Richard Moore, Coordinator  
Southwest Network for Environmental and Economic Justice

Dr. Bob Bullard, Director  
Clark Atlanta Environmental Justice Resource Center

Ted Smith, Chair  
Campaign for Responsible Technology

Dr. Neil Carmen  
Lone Star State Sierra Club

Mayor Bruce Todd,  
City of Austin

City of Austin Council Members

City of Austin Planning Commission Members

Travis County Commission Members

Texas Natural Resource Conservation Commission Members

Sam Goodhope  
State of Texas, Attorney General Office

Glen Maxey, State Representative  
District 51, Texas

Gonzalo Barrientos, State Senator  
State of Texas

Lloyd Doggett, Congressman  
State of Texas

Ms. Rodney Cash, Equal Opportunity Specialist  
Office of Civil Rights  
Environmental Protection Agency

Ms. Clarice Gaylord  
Office of Environmental Justice  
Environmental Protection Agency

Ms. Jane Saginaw, Regional Administrator  
U.S. Environmental Protection Agency, Region VI

# Appendix A

Exhibits 1-15



# Executive Order No. 12898

## Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

### Section 1-1. Implementation

#### 1-101. Agency Responsibilities.

To the greatest extent practicable and permitted by law, and consistent with the principles set forth in the report on the National Performance Review, each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States and its territories and possessions, the District of Columbia, the Commonwealth of Puerto Rico, and the Commonwealth of the Mariana Islands.

#### 1-102. Creation of an Interagency Working Group on Environmental Justice.

(a) Within 3 months of the date of this order, the Administrator of the Environmental Protection Agency ("Administrator") or the Administrator's designee shall convene an interagency Federal Working Group on Environmental Justice ("Working Group"). The Working Group shall comprise the heads of the following executive agencies and offices or their designees: (a) Department of Defense; (b) Department of Health and Human Services; (c) Department of Housing and Urban Development; (d) Department of Labor; (e) Department of Agriculture; (f) Department of Transportation; (g) Department of Justice; (h) Department of the Interior; (i) Department of Commerce; (j) Department of Energy; (k) Environmental Protection Agency; (l) Office of Management and Budget; (m) Office of Science and Technology Policy; (n) Office of the Deputy Assistant to the President for Environmental Policy; (o) Office of the Assistant to the President for Domestic Policy; (p) National Economic Council; (q) Council of Economic Advisers; and (r) such other Government officials as the President may designate. The Working Group shall report to the President through the Deputy Assistant to the President for Environmental Policy and the Assistant to the President for Domestic Policy.

(b) The Working Group shall:

(1) provide guidance to Federal agencies on criteria for identifying disproportionately high and adverse human health or environmental effects on minority populations and low-income populations;

(2) coordinate with, provide guidance to, and serve as a clearinghouse for each Federal agency as it develops an environmental justice strategy as required by section 1-103 of this order, in order to ensure that the administration, interpretation and enforcement of programs, activities and policies are undertaken in a consistent manner;

(3) assist in coordinating research by, and stimulating cooperation among, the Environmental Protection Agency, the Department of Health and Human Services, the Department of Housing and Urban Development, and other agencies conducting research or other activities in accordance with section 3-3 of this order;

(4) assist in coordinating data collection required by this order;

(5) examine existing data and studies on environmental justice;

(6) hold public meetings as required in section 3-502(d) of this order; and

(7) develop interagency model projects on environmental justice that evidence cooperation among Federal agencies.

#### 1-103. Development of Agency Strategies.

(a) Except as provided in section 6-605 of this order, each Federal agency shall develop an agency-wide environmental justice strategy, as set forth in subsections (b)-(e) of this section that identifies and addresses disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. The environmental justice strategy shall list programs, policies, planning and public participation processes, enforcement and/or rule makings related to human health or the environment that should be revised to, at a minimum: (1) promote enforcement of all health and environmental statutes in areas with minority populations and low-income populations; (2) ensure greater public participation; (3) improve research and data collection relating to the health of and environment of minority populations and low-income populations; and (4) identify differential patterns

of consumption of natural resources among minority populations and low-income populations. In addition, the environmental justice strategy shall include, where appropriate, a timetable for undertaking identified revisions and consideration of economic and social implications of the revisions.

(b) Within 4 months of the date of this order, each Federal agency shall identify an internal administrative process for developing its environmental justice strategy, and shall inform the Working Group of the process.

(c) Within 6 months of the date of this order, each Federal agency shall provide the Working Group with an outline of its proposed environmental justice strategy.

(d) Within 10 months of the date of this order, each Federal agency shall provide the Working Group with its proposed environmental justice strategy.

(e) Within 12 months of the date of this order, each Federal agency shall finalize its environmental justice strategy and provide a copy and written description of its strategy to the Working Group. During the 12-month period from the date of this order, each Federal agency, as part of its environmental justice strategy, shall identify several specific projects that can be promptly undertaken to address particular concerns identified during the development of the proposed environmental justice strategy and a schedule for implementing those projects.

(f) Within 24 months of the date of this order, each Federal agency shall report to the Working Group on its progress in implementing its agency-wide environmental justice strategy.

(g) Federal agencies shall provide additional periodic reports to the Working Group as requested by the Working Group.

#### 1-104. Reports to the President.

Within 14 months of the date of this order, the Working Group shall submit to the President, through the Office of the Deputy Assistant to the President for Environmental Policy and the Office of the Assistant to the President for Domestic Policy, a report that describes the implementation of this order, and includes the final environmental justice strategies described in section 1-103(e) of this order.

### Section 2-2. Federal Agency Responsibilities for Federal Programs

Each Federal agency shall conduct its programs, policies, and activities that substantially affect human health or the environment, in a manner that ensures that such programs, policies, and activities do not have the effect of excluding persons (including populations) from participation in, denying persons (including populations) the benefits of, or subjecting persons (including populations) to discrimination under, such programs, policies, and activities, because of their race, color, or national origin.

### Section 3-3. Research, Data Collection, and Analysis

#### 3-301. Human Health and Environmental Research and Analysis.

(a) Environmental human health research, whenever practicable and appropriate, shall include diverse segments of the population in epidemiological and clinical studies, including segments at high risk from environmental hazards, such as minority populations, low-income populations, and workers who may be exposed to substantial environmental hazards.

(b) Environmental human health analyses, whenever practicable and appropriate, shall identify multiple and cumulative exposures.

(c) Federal agencies shall provide minority populations and low-income populations the opportunity to comment on the development and design of research strategies undertaken pursuant to this order.

#### 3-302. Human Health and Environmental Data Collection and Analysis.

To the extent permitted by existing law, including the Privacy Act, as amended (5 U.S.C. section 552a):

(a) each Federal agency, whenever practicable and appropriate, shall collect, maintain, and analyze information assessing and comparing environmental and human health risks borne by populations identified by race, national origin, or income. To the extent practical and appropriate, Federal agencies shall use this information to determine whether their programs, policies, and activities have disproportionately high and adverse human health or environmental effects on minority populations and low-income populations;

(b) In connection with the development and implementation of agency



# Principles of Environmental Justice

## Preamble

We the people of color, gathered together at this multi-national People of Color Environmental Leadership Summit, to begin to build a national and international movement of all peoples of color to fight the destruction and taking of our lands and communities, do hereby re-establish our spiritual interdependence to the sacredness of our Mother Earth; to respect and celebrate each of our cultures languages and beliefs about the natural world and our roles in healing ourselves; to insure environmental justice; to promote economic alternatives which would contribute to the development of environmentally safe livelihoods; and, to secure our political, economic and cultural liberation that has been denied for over 500 years of colonization and oppression, resulting in the poisoning of our communities and land and the genocide of our peoples, do affirm and adopt these Principles of Environmental Justice:

1. **Environmental justice** affirms the sacredness of Mother Earth, ecological unity and the interdependence of all species, and the right to be free from ecological destruction.
2. **Environmental justice** demands that public policy be based on mutual respect and justice for all peoples, free from any form of discrimination or bias.
3. **Environmental justice** mandates the right to ethical, balanced and responsible uses of land and renewable resources in the interest of a sustainable planet for humans and other living things.
4. **Environmental justice** calls for universal protection from nuclear testing, extraction, production and disposal of toxic/hazardous wastes and poisons and nuclear testing that threaten the fundamental right to clean air, land, water, and food.
5. **Environmental justice** affirms the fundamental right to political, economic, cultural and environmental self-determination of all peoples.
6. **Environmental justice** demands the cessation of the production of all toxins, hazardous wastes, and radioactive materials, and that all past and current producers be held strictly accountable to the people for detoxification and the containment at the point of production.
7. **Environmental justice** demands the right to participate as equal partners at every level of decision-making including needs assessment, planning, implementation, enforcement and evaluation.
8. **Environmental justice** affirms the right of all workers to a safe and healthy work environment, without being forced to choose between an unsafe livelihood and unemployment. It also affirms the right of those who work at home to be free from environmental hazards.
9. **Environmental justice** protects the right of victims of environmental injustice to receive full compensation and reparations for damages as well as quality health care.
10. **Environmental justice** considers governmental acts of environmental injustice a violation of international law, the Universal Declaration on Human Rights, and the United Nations Convention on Genocide.
11. **Environmental justice** must recognize a special legal and natural relationship of Native Peoples to the U.S. government through treaties, agreements, compacts, and covenants affirming sovereignty and self-determination.
12. **Environmental justice** affirms the need for urban and rural ecological policies to clean up and rebuild our cities and rural areas in balance with nature, honoring the cultural integrity of all our communities, and providing fair access for all to the full range of resources.
13. **Environmental justice** calls for the strict enforcement of principles of informed consent, and a halt to the testing of experimental reproductive and medical procedures and vaccinations on people of color.
14. **Environmental justice** opposes the destructive operations of multi-national corporations.
15. **Environmental justice** opposes military occupation, repression and exploitation of lands, peoples and cultures, and other life forms.
16. **Environmental justice** calls for the education of present and future generations which emphasizes social and environmental issues, based on our experience and an appreciation of our diverse cultural perspectives.
17. **Environmental justice** requires that we, as individuals, make personal and consumer choices to consume as little of Mother Earth's resources and to produce as little waste as possible; and make the conscious decision to challenge and reprioritize our lifestyles to insure the health of the natural world for present and future generations.

**OKYO ELECTRON AMERICA, INC.** has made application with the Texas Natural Resource Conservation Commission for Air Quality Permit No. 29198 to construct an Integrated Circuit Fabrication Equipment Manufacturing Facility in Austin, Travis County, Texas. The location of the proposed facility is 2400 Grove Boulevard. Additional information concerning this application is contained in the public notice section of this newspaper. This notice is to be published on May 18 and 19, 1995.

APPENDIX A, Exhibit 2.a

Services Commission, not later than 11:00 AM on the following date: JUNE 6, 1995 - 080-A1 9-1-1 Public Education Materials, Purchaser 3 (512) 463-3544. Specifications and bid blanks may be obtained from the General Services Commission, P.O. Box 13047, Capitol Station, Austin, Texas 78711. The State of Texas hereby notifies all others that in regard to any contract entered into pursuant to this advertisement, Minority, Women, and Historically Underutilized Businesses will be afforded equal opportunities to submit offers in response to this invitation and will not be discriminated against on the grounds of race, color, gender, or national origin in consideration for an award. For additional information contact respective purchaser.

**PUBLIC NOTICE FOR LAGO VISTA POA MARINA**  
WILLIAM SMITH, GENERAL MANAGER OF THE LAGO VISTA PROPERTY OWNERS ASSOCIATIONS, INC., P.O. BOX 4766, LAGO VISTA, TEXAS 78045 HAS APPLIED FOR A PERMIT AMENDMENT TO CONSTRUCT TEN (10) WET MOORING SLIPS AT THE LAGO VISTA POA MARINA LOCATED IN LAGO VISTA ON LAKE TRAVIS IN TRAVIS COUNTY, TEXAS. THE PROPOSED EXPANSION WILL OCCUPY APPROXIMATELY 6.135 SQUARE FEET OF WATER SURFACE AREA. THE LOWER COLORADO RIVER AUTHORITY WILL CONSIDER ISSUANCE OF THE PERMIT NO SOONER THAN 14 DAYS FROM THE DATE OF THIS NOTICE. INTERESTED PARTIES MAY INSPECT THE REQUEST AT THE LCRA CENTRAL FILE OFFICE, LOCATED IN THE JACK MILLER BUILDING AT 3700 LAKE AUSTIN BOULEVARD IN AUSTIN, FORM 9:00 AM TO 12:00 PM AND FROM 1:00 PM TO 4:30 PM, MONDAY THROUGH FRIDAY. COMMENTS ON THE APPLICATION MAY BE MADE BY ANY INTERESTED PERSON.

PURSUANT TO TEXAS Abandoned Motor Vehicle Act, The Following Vehicle will be auctioned off by the Travis County Sheriff's Office unless charges are satisfied within 10 days.  
Owner: Unknown, Volvo 740, New Mexico 420ABT.  
VIN: VF1FA8742K2325836  
Owner: Unknown, Tractor Trailer, Oklahoma F10125, VIN: N/A  
Owner: Unknown, Mercury Tracer, Texas DR889RD  
VIN: JMASM15J0K8033371  
Garage Keeper: Aus-fax Body & Paint Inc. 201 E. Broker Ln. Austin, Texas 78753

**TO ALL INTERESTED PERSONS AND PARTIES:**

You are hereby notified that TOKYO ELECTRON AMERICA, INC. has applied for Texas Natural Resource Conservation Commission (TNRCC) Air Quality Permit No. 29198. This permit, if approved, will authorize construction of an Integrated Circuit Fabrication Equipment Manufacturing Facility in Austin, Travis County, Texas. The location of the proposed facility is 2400 Grove Boulevard. This facility will emit the following air contaminants: acids, inorganic compounds, and carbon compounds related to the testing of integrated circuit manufacturing equipment.

A copy of all materials in the public file is available for inspection and reproduction at the TNRCC Austin Regional Office at 1700 S. Lamar Boulevard, Building 1, No. 101, Austin, Texas 78704-3360. Telephone (512) 463-7800, and at the TNRCC Central Office, 12124 Park 35 Circle, Building C, Austin, Texas 78753. Telephone (512) 239-1000. The facility's compliance file, if any exists, is available for public review in the regional office of the TNRCC. Inquiries about the permit application and any information concerning any technical aspect of the application can be obtained by writing Mr. Lester W. Caldwell, TNRCC Office of Air Quality, New Source Review Program, P.O. Box 13067, Austin, Texas 78711-3067 or the TNRCC Austin Regional Office. You may submit written comments concerning the permit application to the Office of Air Quality, New Source Review Program in Austin. All written comments received within 30 days after the second publication of this notice shall be considered by the Executive Director in determining whether to issue or not issue the permit. All written comments will be made available for public inspection at the TNRCC Central Office in Austin. The notice is to be published on May 18 and 19, 1995.

Any person who may be affected by emissions of air contaminants from the proposed facility may request the Commission to hold an informal public hearing on the contested case. To request a public hearing, the person must file a written application pursuant to section 382.056(d) of the Texas Health and Safety Code. The Commission is not required to hold a contested case hearing if the person fails to request it.

Any interested person who wishes to file a public hearing application should be filed in writing to Office of the Clerk, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, telephone (512) 239-3300. Before a permit can be issued for the facility, the applicant must demonstrate that all emission sources are in compliance with all TNRCC air quality rules and Regulations and all applicable Federal Regulations. This includes the application of "best available control technology" to each new or modified emission source and compliance with all ambient air quality standards.

Nurse's house call will be undergoing a survey by JCAHO (Joint Commission for Accreditation of Healthcare Organizations) on May 26, 1995. Anyone wishing to express concerns may request a public information interview with the Joint Commission Field Representative at the time of the survey. Such requests should be made at least 5 days in advance and addressed to: Survey Operations and Support Department, Joint Commission for Accreditation of Healthcare Organizations, One Renaissance Blvd., Oakbrook Terrace, IL 60181.

**CITATION BY PUBLICATION THE STATE OF TEXAS**

TO ALL PERSONS INTERESTED IN THE ESTATE OF CHARLES LOVELAND LEWIS, Deceased, No. 84,611 in Probate Court Number One of Travis County, Texas.  
CRISTIN COREY LEWIS, alleged heir(s) of law in the above numbered and entitled estate, filed on the 16th day of MAY, 1995, an Application to Determine Heirship in the said estate and request(s) that the said Court determine who are the heirs and only heirs of the said CHARLES LOVELAND LEWIS, Deceased, and their respective shares and interests in such estate.  
Said application will be heard and acted on by said Court at 10:00 o'clock AM on the 1st Monday next after the expiration of ten days from date of publication of the citation, at the County Court house in Travis County, Texas.  
All parties interested in such estate are hereby cited to appear before said Probate Court at said above mentioned time and place by filing a written answer containing such application should they desire to do so.  
If this citation is not served within 90 days after date of its issuance, it shall be returned unserved.  
GIVEN UNDER MY HAND AND THE SEAL OF SAID COURT at office in Travis County, Texas, this 16th day of May, 1995.  
DANA DEBAUVOR, County Clerk Travis County, Texas  
P.O. Box 1748, Austin, Texas 78767  
By: D. Dubson, Deputy

**CITATION BY PUBLICATION THE STATE OF TEXAS**

TO ALL PERSONS INTERESTED IN THE ESTATE OF LOU NORA SPILLER, Deceased, No. 84,289 in Probate Court Number One of Travis County, Texas.  
FRANCES SUZON SPILLER KEMP, alleged heir(s) of law in the above numbered and entitled estate, filed on the 17th day of MAY, 1995, an Application to Determine Heirship in the said estate and request(s) that the said Court determine who are the heirs and only heirs of the said LOU NORA SPILLER, Deceased, and their respective shares and interests in such estate.  
Said application will be heard and acted on by said Court at 10:00 o'clock AM on the 1st Monday next after the expiration of ten days from date of publication of the citation, at the County Court house in Travis County, Texas.  
All parties interested in such estate are hereby cited to appear before said Probate Court at said above mentioned time and place by filing a written answer containing such application should they desire to do so.  
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DANA DEBAUVOR, County Clerk Travis County, Texas  
P.O. Box 1748, Austin, Texas 78767  
By: D. Dubson, Deputy

**NOTICE OF CLAIMS AGAINST THE ESTATE OF ROSA VENEGAS RANGEL**  
NOTICE is hereby given that original Letters Testamentary for the Estate of Rosa Venegas Rangel, Deceased were issued on May 16, 1995 in Case No. 84,019, pending in the Probate Court of Travis County, Texas, to Mr. Anthony Rudolph.

Any interested person who wishes to file a public hearing application should be filed in writing to Office of the Clerk, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, telephone (512) 239-3300. Before a permit can be issued for the facility, the applicant must demonstrate that all emission sources are in compliance with all TNRCC air quality rules and Regulations and all applicable Federal Regulations. This includes the application of "best available control technology" to each new or modified emission source and compliance with all ambient air quality standards.

Nurse's house call will be undergoing a survey by JCAHO (Joint Commission for Accreditation of Healthcare Organizations) on May 26, 1995. Anyone wishing to express concerns may request a public information interview with the Joint Commission Field Representative at the time of the survey. Such requests should be made at least 5 days in advance and addressed to: Survey Operations and Support Department, Joint Commission for Accreditation of Healthcare Organizations, One Renaissance Blvd., Oakbrook Terrace, IL 60181.

**CITATION BY PUBLICATION THE STATE OF TEXAS**  
TO: "UNKNOWN FATHER" and to all whom it may concern. Respondents: GREETINGS:  
YOU HAVE BEEN SUED. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 AM on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you.  
YOU ARE HEREBY COMMANDED to answer and answer before the Honorable District Court, 126th Judicial District, Travis County, Texas, at the Courthouse of said county in Austin, Texas, at or before 10 o'clock AM of the Monday next after expiration of twenty days from the date of service of this citation, then and there to answer the First Amended Petition in a Suit Affecting the Parent-Child Relationship, Petitioner and/or Managing Conservatorship and Affidavit of the Texas Department of Protective and Regulatory Services, Petitioner, filed in said Court on the 10th day of January 1995, against "Unknown Father", Respondent, and said suit being number 94-15846 on the docket of said Court and entitled: "In the Interest of Destiny Hardman, Jr., Child", the nature of which suit is a request to terminate the parent-child relationship and/or name the Texas Department of Protective and Regulatory Services or a suitable, competent adult recommended by the Texas Department of Protective and Regulatory Services, as Managing Conservator of the Child, Destiny Hardman, date of birth December 25, 1984.

The Court has authority in this suit to enter any judgment or decree in the Child's interest which will be binding upon you, including the termination of the parent-child relationship, the determination of paternity and the appointment of a conservator with authority to consent to the Child's adoption.

Issued and given under my hand and the seal of said Court at Austin, Texas, this 11th day of May, 1995.  
REQUESTED BY:  
ANN FORMAN,  
ASSISTANT DISTRICT ATTORNEY  
P.O. Box 1748  
Austin, Texas 78767  
(512) 473-9940  
FOR TRAVIS COUNTY CHILD WELFARE  
ATTN: Worlida Holliday,  
(512) 834-3322.

AMANDA RODRIGUEZ MENDOZA  
Travis County District Clerk  
1000 Guadalupe, P.O. Box 1748  
Austin, Texas 78767  
By: Diane Covington, Deputy

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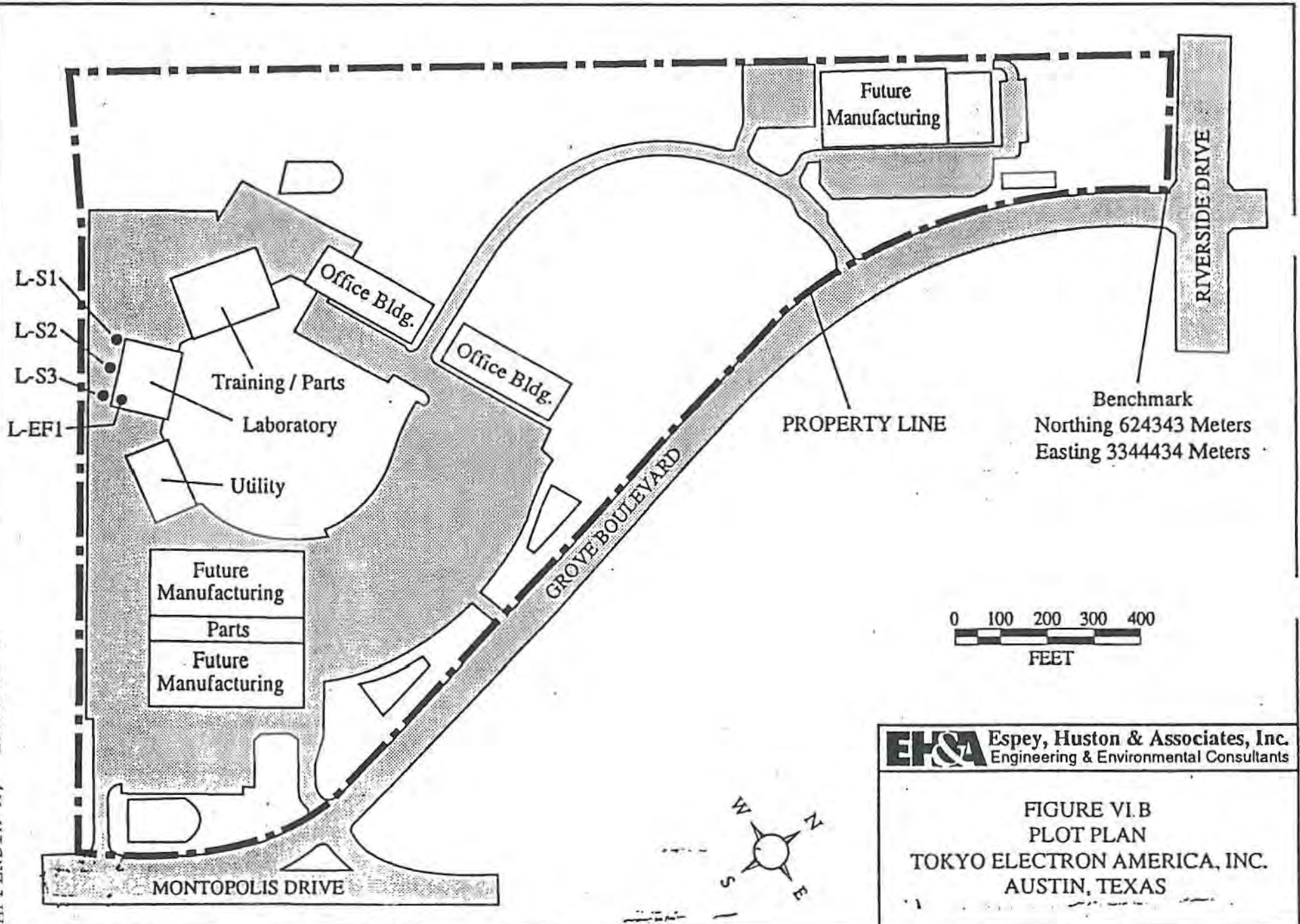
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**EH&A** Espey, Huston & Associates, Inc.  
Engineering & Environmental Consultants

**FIGURE VI.B**  
**PLOT PLAN**  
**TOKYO ELECTRON AMERICA, INC.**  
**AUSTIN, TEXAS**



**People Organized in Defense of Earth and her Resources**

June 19, 1995

Office of the Chief Clerk  
TNRCC  
P.O. Box 13087  
Austin, TX 78711-3087

RE: We Request a Public Hearing on Tokyo Electron America, Inc.  
Air Quality Permit No. 29198

Dear Chief Clerk:

People Organized in Defense of Earth and her Resources (PODER) is an environmental justice organization in Austin, Texas working to increase residents' participation in corporate and governmental decisions related to toxic pollution and its impact on communities of color in East Austin.

We are very concerned about the air pollutants to be emitted into the air by this facility. We understand that when the screening modeling for Tokyo was done for chemicals to be emitted into the air, that they modeled as if they were the only facility in the area emitting chemicals. Our concern is that Advanced Micro Devices which emits a high amount of chemicals into the air, is located within feet of the new proposed Tokyo facility. Air modeling should be done on levels of aggregate emissions and aggregate impacts to the community. We are concerned of possible negative health impacts due to cumulative exposure.

Due to the fact that Tokyo's files have been labeled confidential, the community does not have full access to the complete files and is unable to determine if any other possible negative impacts might exist.

Sincerely,

Susana Almanza  
Director/PODER  
55 N. IH 35, #205B  
Austin, TX 78702



**People Organized in Defense of Earth and her Resources**

To: All Planning Commissioners

Date: June 21, 1995

Re: Reschedule Tokyo Electron America, Inc. agenda item set for June 27, 1995

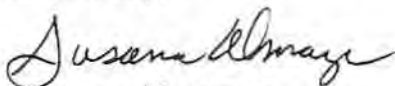
We would like for the Planning Commissioners to reschedule Tokyo Electron America, Inc.'s case, scheduled to go before the Planning Commissioners on Tuesday, June 27, 1995.

On Tuesday, June 13, PODER members along with Montopolis Area Neighborhood Council met with representatives of Tokyo Electron America, Inc. This was our first meeting regarding their future construction at 2400 Grove Boulevard. Several questions were unanswered by Tokyo representatives. We did not receive a written response to our three pages of questions.

Our organization along with several neighborhood associations have set a follow-up meeting with Tokyo for Wednesday, June 28, 1995 at the Montopolis Neighborhood Center.

Again, we ask that you reschedule the June 27, meeting until July 11, 1995.

Sincerely,

  
Susana Almanza,  
Director



# in → fact

Austin's weekly newsletter for key information  
on business, politics & government

No. 2

Ken Martin, Editor

July 19, 1995

## Tokyo bombed by planning commission, revived by council

## Case exemplifies the neverending struggle between developers and neighborhoods

See related story, page 3, on  
action underway to revise  
land development code

They were the votes heard 'round the world. A face-conscious Japanese firm got the distinct feeling that Austin did not welcome a \$30 million investment for its U.S. corporate headquarters. What could the maker of semiconductor manufacturing equipment think, after the planning commission had twice voted to delay the project? Matters came to a head July 11. The planning commission split into two camps. Four members believed Tokyo Electron America Inc.'s 110,000-square-foot project complied with the development code and should be approved. The other five members wanted Tokyo Electron to bow for a third time to meet with a handful of East Austin activists, who had drawn a line in the sand over the project.

Approval ought to have been a no-brainer. While a variance had been requested to allow construction to gouge the earth more than the development code ordinarily permits, this would be no rape of the land. The city's environmental board had recommended the cut-and-fill variance be granted. The 59 acre project adjacent to Sematech would wind up with 41 percent impervious cover, though allowed 80 percent. The company had done due diligence, having met twice with the neighbors, and furnished written replies to questions and a list of contacts for them to call if there were more concerns. Nobody called, so things seemed fine. But four people showed up on July 11 to wage another skirmish. Chief among them was **Susana Almanza** of People Organized in Defense of the Earth's Resources. She raised concerns about the air quality permit because a state agency had sealed the records due to trade secrets. She questioned the cumulative environmental impact of putting Tokyo Electron near Advanced Micro Devices, Sematech and Wilson Oxygen. She said the project would destroy some of the last remaining forests in East Austin. In rebuttal, engineer **Gregory Strmiska** of Bury and Pittman said air emissions were four tons per year, compared with the 325 tons a year emitted by Advanced Micro Devices. The 35 trees removed would be replaced with 136.

After closing the public hearing, the commission spent a full hour dissecting the application and voted again and again, seemingly unable to resolve the issue. A motion by commissioner **Dave Sullivan**, an environmental specialist, ultimately prevailed. A two-week delay was ordered, despite Trammell Crow developer **Stan Erwin's** testimony that another postponement "would send a signal you don't want (Tokyo Electron) here."

On July 13, after some city council members got an emergency briefing from **Angelos Angelou** of the Greater Austin Chamber of Commerce, the council bypassed the Planning Commission by granting one approval and setting the cut-and-fill variance for Oct. 20. Hensel Phelps Construction Co. of Pflugerville will build the facility, Austin will get \$30 million added to the tax rolls, and some 150 people will have well paid jobs in the city. Austin, with both Applied Materials and Tokyo Electron, will be home to the two leading makers of semiconductor manufacturing equipment. East Austin residents will continue to feel the effects of decisions made decades ago to zone massive tracts of land for industrial use. ✱



Only time will tell

Bonding and technical  
assistance team will  
lose its \$1.6 million  
contract for Austin-  
Bergstrom airport



**Bad news: the land development process works well for no one**

**Good news: a lot of people are working long hours to fix it**

**Both city staff and an appointed citizens group are toiling on plans to make the system work better**

**Neighborhoods, as well as developers, stand to gain**

The Tokyo Electron story (page 1) exemplifies the dilemma Austin faces with development. Opposing forces jostle and elbow rudely as plans slog through a welter of bureaucrats, boards and commissions in search of the holy grail called approval. In theory, it's simple: plans must satisfy community concerns expressed in development codes, and in the regulations that spell out what the codes mean. In practice, it's devilishly difficult. A highly paid army of consultants, attorneys, and engineers are needed to shepherd plans along the twisting path. Bureaucrats and appointed boards and commissions act like traffic cops, watching for violators. Anywhere in the process, a raiding party of outraged neighborhood activists is liable to swoop in firing objections like scattershot. The fundamental forces of capitalism, which says you ought to be able to use your property to make a profit, collide head-on with the belief that neighbors ought to have a strong say.

Something ought to be done to reconcile the seemingly irreconcilable, and Austin is working on it. At stake is whether the city will attract growth to its tax base or watch it flee to the periphery, where the red tape is pink and projects move like a rocket, compared to Austin. In January, a council-appointed Citizens Planning Committee delivered a dozen recommendations and said all must occur to produce and sustain a livable city with a viable tax base. As to the development regulations and permitting process, the recommendation said they must be simplified and made predictable, accountable, consistent and clear in intent, while planning and development regulations should be coordinated with a comprehensive, integrated neighborhood association system. Also in January, city manager **Jesus Garza** ordered an interdepartmental team to reengineer the land development process.

While the city staff works on the problems from inside the belly of the beast, the citizens planning committee works from outside. The development process group chaired by developer **John Harris** is one of six work groups wrestling with major issues. Harris wants to cut red tape involved in development, while committee member **Betty Edgemond** wants to make the process work better for neighborhoods. They are identifying specific ordinance amendments and rule changes the council can make this year. The full 22-member citizens planning committee is no less intent. At a July 13 meeting, the group decided to recommend that the city council restrict changes to the land development code to certain times of the year, and allow rule changes no more than quarterly. The panel also will recommend that the council pay the University of Texas to help create a comprehensive, integrated system of neighborhood associations, and allow them to better participate in planning and development.

Apathy and inertia have absorbed many a bright vision for a better Austin. There is a fear among committee members that its work will wind up in a report sitting on some dusty shelf. The group knows that both developers and neighborhood associations doubt the process will be radically improved, and wants action soon that will convince people it's worth participating in all the work yet to come. "This is a litmus test to see if (the council) is taking us seriously," committee chairman **Ben Helmsath** said of the recommendations. ■

AN ORDINANCE WAIVING LAND DEVELOPMENT CODE SECTION 13-7-16 FOR SITE PLAN CASE NUMBER SP-95-0130C; WAIVING THE REQUIREMENTS OF SECTIONS 2-2-3, 2-2-5, AND 2-2-7 OF THE CITY CODE OF 1992; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

Part 1. The City Council finds that the locating of Tokyo Electron America, Inc. facilities in the City is important to the continued economic development of the City. The City Council further finds that because of time constraints, the approval of a site plan which has been filed by Tokyo Electron America, Inc., must be expedited and cannot await action by the Planning Commission on a variance request.

Part 2. The City Council hereby waives the cut and fill limitations of Land Development Code Section 13-7-16 for site plan case number SP-95-0130C ("Site Plan") which is located at 2400 Grove Boulevard. This waiver is limited, however, to the extent of the cut and fill which is shown on the Site Plan currently on file with the Department of Planning and Development (the same being Update Number Two, filed on June 26, 1995). The maximum cut which is permitted under this waiver is 12 feet, and the maximum fill which is permitted under this waiver is 10 feet.

Part 3. This waiver is subject to the following conditions:

- 1) The areas of cuts and fills between and adjacent to buildings and at the interface of parking lots and natural ground shall be structurally contained.
- 2) The berm for Water Quality Pond "D" shall be stabilized with rock rip-rap.
- 3) The cut area adjacent to the central fire lane shall be eliminated. All proposed swales adjacent to drives and parking areas shall be stabilized with protective materials as outlined in the Environmental Criteria Manual Section 1.4.5.E or revegetated with solid sod.

Part 4. This waiver is subject to the provisions of Land Development Code Section 13-1-286 ("Lapse Of Variance") and shall lapse, expire, or be renewed in accordance with the terms of that section as if it were a variance.

Part 5. The requirements imposed by Sections 2-2-3, 2-2-5, and 2-2-7 of the Austin City Code of 1992, as amended, regarding the presentation and adoption of ordinances are hereby waived by the affirmative vote of at least five members of the City Council.

Part 6. The City Council declares that an emergency exists concerning the safe, orderly, and healthful growth and development of the City in order to assure the immediate preservation of the public peace, health, and safety; therefore, this ordinance shall become effective immediately upon its passage as required by this emergency and as provided by the City Charter of the City of Austin.

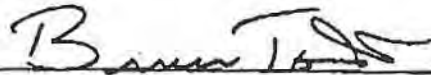
CITY OF AUSTIN, TEXAS

PASSED AND APPROVED:

July 20

, 1995

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§  
§  
§  
§



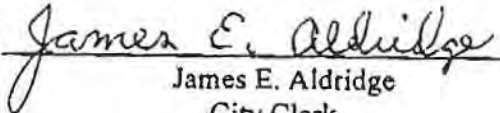
Bruce Todd  
Mayor

APPROVED:



Andrew Martin  
City Attorney

ATTEST:



James E. Aldridge  
City Clerk



ITEMS FROM COUNCIL

29. Waive the four foot cut and fill limitation of Land Development Code Section 13-3-16 for Site Plan Case SP-95-0130C, Tokyo Electron America, Inc. and Trammell Crow Company, located at 2400 Grove Boulevard. [Mayor Bruce Todd, Mayor Pro Tem Gus Garcia and Councilmember Jackie Goodman]  
Approved

30. Approve a resolution supporting federally funded legal service programs. (Mayor Pro Tem Gus Garcia and Mayor Bruce Todd)  
Approved

Items 29 and 30 approved on Councilmember Shea's motion, Mayor Pro Tem Garcia's second, 7-0 vote.

3:30 P.M. - BOARD OF DIRECTOR'S MEETING OF AUSTIN HOUSING FINANCE CORPORATION

The Mayor will recess the City Council meeting. A Board meeting of the Austin Housing Finance Corporation (AHFC) will be conducted. Following adjournment of the AHFC Board meeting, the City Council will be reconvened. Item 31 is the AHFC item to be considered by the Austin Housing Finance Corporation's Board of Directors.

31. Presentation to the Board by Samuel Biscoe, President, Travis County Housing Finance Corporation (TCHFC) on the status of TCHFC's 1994 Single Family Mortgage Revenue Refunding Bonds Series A and B.

Motion to close hearing on Mayor Pro Tem Garcia's motion, Councilmember Shea's second, 6-0 vote, Councilmember Nofziger temporarily off the dais.

4:00 P.M. - ZONING HEARINGS AND APPROVAL OF ORDINANCES

32. C14-95-0035 - **(b) (6) Personal Privacy**  
From SF-3 to G0. Planning Commission Recommendation: To Grant L0, Limited Office, zoning subject to limiting development to generate less than 2,000 vehicle trips per day, and dedication of 30 feet of right-of-way from the existing centerline of St. Elmo Road, and prohibit access to Vinson Drive.  
Motion to deny on Councilmember Goodman's motion, Councilmember Shea's second.

Item withdrawn by applicant. No action required; Owner cannot file an application for G0 or more permissive zoning for 12 months, (after July 20, 1996).

33. C14-95-0041 - TEXAS COMMERCE NATIONAL BANK (Joe Griffith), by Bury & Pittman (Greg Strmiska), 5316 W. U.S. Hwy. 290. From SF-2 & DR to IP. Planning Commission Recommendation: To Grant IP-CO, Industrial Park-Conditional Overlay zoning, subject to: (1) dedication of 35 feet of right-of-way from the existing centerline of Boston Lane; (2) limit development to generate less than 2,000 vehicle trips per day or an approved T.I.A.; (3) maximum height of 40 feet; and (4) prohibit the





**People Organized in Defense of Earth and her Resources**

TO: Lynn Beauman

FROM: Susana Almanza, Director/PODER &  
Cynthia Duran/MANIC, Montopolis Neighborhood Improvement  
Council

DATE: June 6, 1995

RE: Requested information regarding Tokyo Electron America,  
Inc. for MANIC meeting on June 13, 1995, at Montopolis  
Neighborhood Center



**People Organized in Defense of Earth and her Resources**

**MEMO**

To: Lynn Beauman

From: Susana Almanza, Director/PODER &  
Cynthia Duran/MANIC, Montopolis Area Neighborhood Improvement  
Council

Date: June 6, 1995

Re: Requested information regarding Tokyo Electron America, Inc. for  
MANIC meeting on June 13, 1995, at Montopolis Neighborhood Center

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**Background History of Tokyo Electron America, Inc.:**

- a. Where is the company presently located

**Tax Abatements:**

What is the amount of Tax abatements that Tokyo Electron America, Inc. will receive from the City of Austin and Austin Travis County?

What other type of incentives will Tokyo receive; such as utility or mortgage discounts etc.,?

**Employment:**

1. What are the number and types of jobs that will be created?
  - a. skill levels required for jobs
2. What are the wage rates and benefits for these jobs?
3. Is there a hiring and training program for Austin residents in the local Montopolis community? Are you willing to work on one?

### **History of Environmental Compliance:**

- \* Hazardous waste cleanup responsibilities
- \* Permit restrictions
- \* Toxic chemicals
- \* Emission Rates of All Airborne Pollutants
- \* Wastewater Discharge Quantity and Rates
- \* Water Supply and Consumption - amounts
- \* Solid Waste - What Type and amounts will be Generated and Disposed?
- \* Hazardous Waste - What Type and amounts will be generated and disposed?
- \* Reported spills
- \* Compliance data
- \* Environmental management and policy
- \* Environmental auditing and reporting
- \* Environmental achievements
- \* current environmental projects
- \* Are you willing to work on a "Good Neighbor" plan that includes emergency planning and worst case disaster scenarios for the community near Tokyo?
- \* What is Tokyo's environmental Auditing Procedures?

### **Construction:**

What is your erosion control plan during construction and operation?

Do you have a spill prevention control and countermeasures plan?

Watershed issues?

What will be the traffic Impacts during construction and operation?



**Overall Impacts from facility siting and construction:**

\*Impact to community

\*Impact to Threatened or Endangered Species



People Organized in Defense of Earth and her Resources

June 13, 1995

PODER  
55 N. IH-35 205B  
Director, Susana Almanza

David Duncan  
TNRCC  
Fax 239-0606

PODER is requesting all information according to the Open Records Act on Tokyo Electron America in reference to pending air permit No. 29198. If you have any questions feel free to contact us at 472-9921. Thank you for your time.

Sincerely,

  
Susana Almanza



**People Organized in Defense of Earth and her Resources**

July 28, 1995

Terri Phelps  
Legal Services  
TNRCC  
MC-168, P O Box 13087  
Austin, TX 78711-13087

Re: Open Records Act request for information regarding Air Permit #29198 for  
Tokyo Electron America, Inc.,

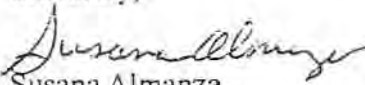
Dear Terri Phelps:

On June 13, 1995, PODER faxed an Open Records Request for all information regarding Tokyo Electron America, Inc., the request was faxed to David Duncan and Scott Humphrey of the Texas Natural Resource Conservation Commission.

PODER has received documents that aren't stamped confidential by Tokyo Electron from TNRCC. Tables summarizing the emissions and revised corresponding ambient impacts of potential contaminant species, have been labeled confidential. The permit fee statement has also been labeled confidential. We have not received the above assumed labeled confidential documents nor the list of chemicals that were modeled.

We are aware that trade secrets are confidential but we are not seeking any trade secrets just information that we feel should be accessible to the public. We are therefore, requesting under the Open Records Act all public information regarding Tokyo Electron America, Inc., permit number 29198.

Sincerely,

  
Susana Almanza  
Director, PODER

xc: Rep. Glen Maxey  
MANIC  
Neil Carmen, Lone Star Chapter Sierra Club  
County Commissioner, Margaret Gomez  
Lester Caldwell, Permit Eengineer



HENRY, LOWERRE,  
JOHNSON, HESS & FREDERICK  
ATTORNEYS AT LAW  
202 WEST 17th STREET  
AUSTIN, TEXAS 78701  
(512) 479-8125  
FAX (512) 479-8269

MARY E. KELLY  
Of Counsel  
(512) 474-1082

October 3, 1995

Ms. Terri Phelps  
Legal Services  
Texas Natural Resources Conservation Commission  
MC-168, P.O. Box 13087  
Austin, Texas 78711-3087

Re: Open Records Request for information regarding Air Permit  
# 29198 for Tokyo Electron America, Inc.

Dear Ms. Phelps:

Please accept this letter on behalf of my client, People Organized in Defense of Earth and Her Resources (PODER). On June 13, 1995, PODER requested all information available under the Open Records Act related to pending Air Permit No. 29198. (See Attachment A). On July 28, 1995, PODER reiterated this request, referring to its earlier letter and clarifying that it was not seeking any trade secret information that could properly be withheld by TNRCC under the Texas Open Records Act. (See Attachment B). That second letter specifically notes that TNRCC labeled several items as confidential (e.g. emission summary tables, permit fee statement, ambient impacts of potential contaminants, etc.).

Under the Texas Open Records Act, if the TNRCC desires to withhold information within the scope of PODER's initial and reiterated Open Records Act request, it is under a statutory obligation to have referred the matter to the Attorney General within ten calendar days of the request, specifying why the records should be treated as confidential. Sec. 552.301, Texas Government Code.

PODER did not receive any written notice from TNRCC that such an opinion had been requested within ten calendar days of either the June 13 request or the July 28 clarification. When a PODER representative checked with the Attorney General's office on or about September 27, she was told that no such opinion request had been received.

It is PODER's position that TNRCC has waived any basis it might have had for withholding information related to Air Permit # 29198. Sec. 552.302, Texas Government Code.

Thus, on behalf of PODER, I request that they be immediately provided with all information related to this permit.

If TNRCC has referred this matter to the Attorney General, please provide me with a dated copy of the referral letter and any attached documents.

Please do not hesitate to call me at 474-1082 if you have any questions.

Sincerely,

  
Mary E. Kelly

cc: Susana Almanza, PODER

## SPECIAL REPORT

# High-Tech Toxic Chemicals in Travis County

The following toxins were released by Austin high-tech companies in 1991, the latest year for which data is available (all figures are in pounds):

	Total releases to air	Total to Austin wastewater facilities	Sent to off-site recycling	Sent off-site for energy recovery	Sent off-site other	Total releases and transfers in 1991	Total releases and transfers in 1990	1991 Releases minus data for energy recovery and recycling*
IBM Corp.	140,818	45,955	1,905,566	85,000	19,420	2,196,762	248,863	208,198
Motorola Inc.-Ed Bluestein	109,037	89,020	31,000	226,000	996,500	1,451,557	2,067,694	1,194,557
Advanced Micro Devices Inc. —	181,250	101,329	24,700	150,300	209,700	667,279	480,580	492,279
Texas Instruments Inc.	97,155	42,350	252,400	3,000	136,000	530,905	162,113	275,505
Motorola Inc.-William Cannon	11,102	5,400	0	53,390	262,840	332,732	na	279,342
Xetel Corp.	80,000	0	8,300	0	0	88,300	95,034	80,000
Radian Corp.-Bratton Lane	29,000	0	0	0	0	29,000	12,000	29,000
Tracor Inc.	20,900	0	1,200	0	0	22,100	13,825	20,900
Texas Electric Cooperatives	13,000	0	0	0	0	13,000	12,000	13,000
3M Telecom Resources	0	5	0	0	750	755	39,613	755
Summagraphics	5	0	0	0	0	5	5	5
<b>Total high-tech releases:</b>	<b>882,267</b>	<b>284,059</b>	<b>2,221,166</b>	<b>517,690</b>	<b>1,625,210</b>	<b>5,330,395</b>	<b>3,131,507</b>	<b>2,591,539</b>

The total releases by Austin high-tech companies represent 80 percent of the total toxic chemical releases of all Travis County companies: 6,895,682 pounds.

Source: Toxic Chemical Release Inventory, Texas Water Commission

\* 1991 reports required more data; energy recovery and recycling must be deleted for comparison with 1990 data.

AUGUST 30-SEPTEMBER 5, 1993

Austin Business Journal

## SPECIAL I

## Airborne Toxins from All Industries

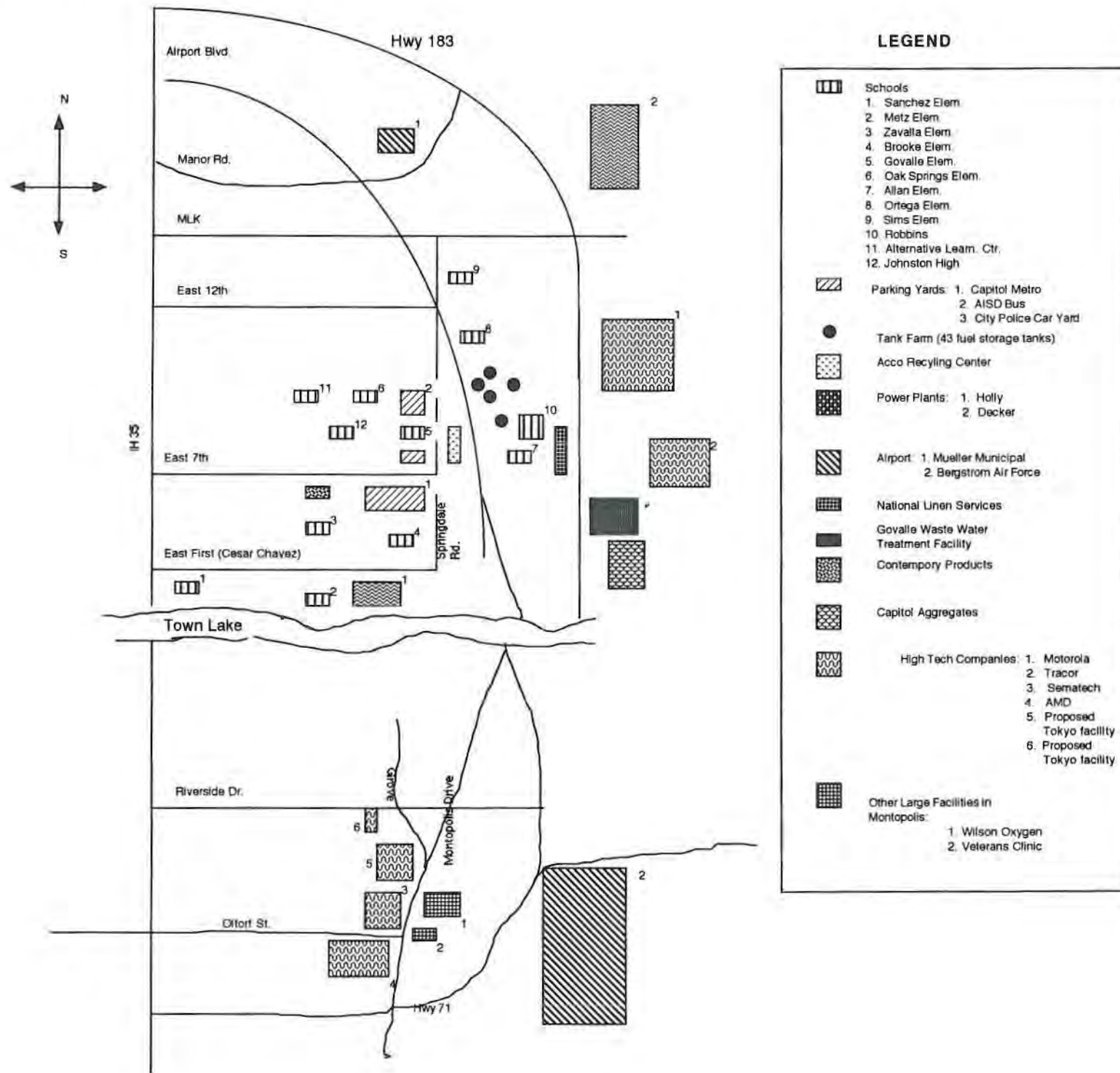
Airborne pollutants released in Travis County in 1990 and 1991:

Types of chemicals	1991 releases (in pounds)	1990 releases (in pounds)	Change from 1990 to 1991
Freon 113	200,700	263,764	-23.91%
Methyl Ethyl Ketone	104,000	126,600	-17.85%
Ammonia	98,999	93,862	+5.47%
Methanol	66,299	55,570	+19.31%
Acetone	50,977	52,550	-2.99%
1,1,1-Trichloroethane	50,100	84,055	-40.40%
Xylene	47,500	26,660	+78.17%
Hydrochloric acid	28,454	24,581	+15.76%
Toluene	23,589	22,400	+5.22%
Sulfuric acid	21,027	16,640	+26.36%
CFC-11	21,000	Not listed	Not applicable
Methyl isobutyl ketone	15,889	15,750	+0.88%
Glycol ethers	13,770	13,352	+3.13%
Phosphoric acid	10,146	13,620	-25.51%
2-methoxyethanol	8,200	19,100	-57.07%
all others	24,995	52,586	-52.47%
<b>Total air emissions</b>	<b>785,625</b>	<b>881,090</b>	<b>-10.83%</b>

Source: Toxic Chemical Release Inventory, Texas Water Commission



## Environmental Concerns in East Austin





People Organized in Defense of Earth and her Resources

July 28, 1995

Lester Caldwell  
Permit Engineer  
Office of Air Quality New Source Review Program  
MC-162, P O Box 13087  
Austin, TX 78711--3087

RE: Tokyo Electron America Inc., Air Permit #29198

Dear Mr. Caldwell:

After reviewing the files that were not stamped confidential by Tokyo Electron America Inc., I have several concerns.

First, we don't understand why modeling was done as if Tokyo Electron was situated in a flat rural area. The area that we have surveyed is definitely not flat and is very much urban. We feel that the modeling should be done according to urban standards.

Also in the section, "Permit Modeling Guidance Checklist", there is no mention of the Tiny Tots Learning Center located at 1806 Montopolis, which is within 2000 feet of the proposed facility. Escuela (School) Montessori is located at 2013 Montopolis Drive, also within 2000 feet.

We are requesting that the modeling be modeled according to urban standards.

Sincerely,

Susana Almanza,  
Director, PODER



4115 Freidrich Lane  
Austin, Texas 78744

Phone: (512) 912-2222  
Facsimile: (512) 912-2304

Richard G. Rogers  
President

August 18, 1995

Ms. Janice Long  
Southeast Austin Neighborhood Alliance  
2411 Riverside Farms Road  
Austin, TX 78741

Dear Ms. Long:

There must have been a misunderstanding at the June 28 meeting. The position reported in THE AUSTIN AMERICAN STATESMAN is correct. We may build manufacturing capability at our Austin site. The proposal to the City Planning Commission involves four phases, the last two of which involve manufacturing. This plan has not changed since we first proposed it over a year ago.

Please realize that we are involved in the manufacture of electronic equipment, not semiconductors, and there are no hazardous materials or gases involved in the manufacturing plant.

Sincerely,

*Richard Rogers*  
(RS)

/bls.437



APPENDIX A, Exhibit 14.c

September 27, 1995

Ms. Terri Phelps, Staff Attorney  
TNRCC - Office of Air Quality  
P. O. Box 13087  
Austin, TX 78711-3087

BY FAX TO 239-0606

Re: Application # 29198, Tokyo Electron America, Inc., 2400 Grove Blvd, Austin 78741

Dear Terri:

In response to your letter of September 20, 1995, I am writing to request a postponement of the informal meeting now set for October 4, 1995. There are several reasons for this requested postponement.

- (1) I understand an "open records request" has been made regarding the "Confidential" chemicals that are involved in this air permit application. Until the Attorney General rules on that request, and a complete list of all proposed chemicals and emissions is provided to my neighbors, I do not see how this permit process can go forward. I have no knowledge of all of the chemicals and emissions involved. How can I properly make a decisions as to whether or not this permit will negatively impact my neighborhood? My house is less than 3,000 feet from the site of the Laboratory, and I need to know exactly what is going to be processed/handled/emitted just beyond my backyard.
- (2) I understand that a "draft" permit will be prepared before the final process approval denial. I would very much like an opportunity to review it before the final hearing.
- (3) It has come to my attention that the "modeling" done by the applicant was based on a large percentage of the surrounding land being classified as "rural", as opposed to urban. This is not correct. The applicant would have to be using out-of-date zoning maps or figures. If modeling was done on 1990 census data, this area could not be classified as rural. This is a serious flaw in the application, if this is indeed the basis for the emissions. The correct basis for the modeling must be explained and verified to be correct before the permit can be considered.

For these reasons, and other nagging doubts and questions, I do not think it is appropriate to proceed with a meeting on October 4th. This should be postponed until we have all of the requested information.

Also, many of my neighbors feel the meeting should be moved to our neighborhood. On the phone at an earlier time, I said that having a meeting at the TNRCC office was not that much of a concern to me, but that it might negatively impact my neighbors. Since that is the effect, I now request that any future meetings be held in our immediate area. There are facilities available in this part of town, and this will allow for full participation of all of those concerned. Thank you.

Regards,

(b) (6) Personal Privacy

Austin, TX 78741

(b) (6) Personal Privacy

cc: Mr. Lester Caldwell, New Source Review Division (FAX 239-1300)  
Mr. Larry Smith, Regional Manager, Austin (FAX 239-3744)  
Attorney General, Sandra Coaxum (FAX 463-2092)

My name is Maria Loya and I represent PODER. Two weeks ago we explained to the Planning Commission that there were many documents that PODER had not been able to review due to the fact that these files were labeled confidential by Tokyo Electron. We still do not know exactly how many and what type of chemicals will be emitted in that air within the Montopolis area. From the information we were able to receive from the Texas Natural Resource Conservation Commission we were able to discover that the air modeling done by Tokyo Electron was done as if Tokyo were to be located in a flat rural terrain. If any of you are familiar with Montopolis you can easily see that this area is definitely not flat terrain. And as far as it being labeled as a rural area, well what that simply does is underestimate the current population in Montopolis and the results of these manipulations are lower numbers that translate into a better rating for Tokyo Electron America. We are currently challenging this method of modeling and asking that Urban modeling be used to take into account the actual geographical and population realities that have been conveniently overlooked.

Yesterday, we went out into the Montopolis community to survey people on their knowledge of Tokyo Electron. We surveyed 39 people in the Montopolis area 31 of which were Montopolis residents located within 3000 feet from the proposed location of Tokyo Electron. From the resident surveyed all were unaware that Tokyo Electron was planning to build the facility in their community, remember these people are located within 3000 feet of the proposed location and yet that are completely unaware that is happening. 87% of the people surveyed said that they were unaware that the company would be emitting harmful chemicals and 84% expressed that they would not want this type of facility in their community.

Many people commented that they would not be able to attend the Planning Commission meeting but expressed their desire to prevent any further dumping of polluting facilities in East Austin. Unfortunately, many questions remain unanswered. Yet, the City Council went ahead and passed the variance without consulting the Planning Commission and most importantly the community. Obviously the decision of the City Council was not in the best interest of the community but the best interest of the company.

## MONTOPOLIS NEIGHBORHOOD SURVEY

Are you aware that Tokyo Electron America, Inc. is planning to build an integrated circuit fabrication equipment manufacturing facility at 2400 Grove Boulevard?      ☐ Yes      ☐ No

Did you know that Tokyo Electron America, Inc. will emit the following air contaminants: acids, inorganic compounds, and carbon compounds related to the testing of integrated circuit manufacturing equipment?      ☐ Yes      ☐ No

Do you feel that Montopolis residents will be hired? ☐ Yes ☐ No

Do you want this type of facility in your neighborhood? ☐ Yes ☐ No

Are you a Montopolis Resident? ☐ Yes ☐ No

What is your age? ☐ 16 or younger      ☐ 17 to 64      ☐ 65 and older

### Optional

Name: \_\_\_\_\_

Address \_\_\_\_\_

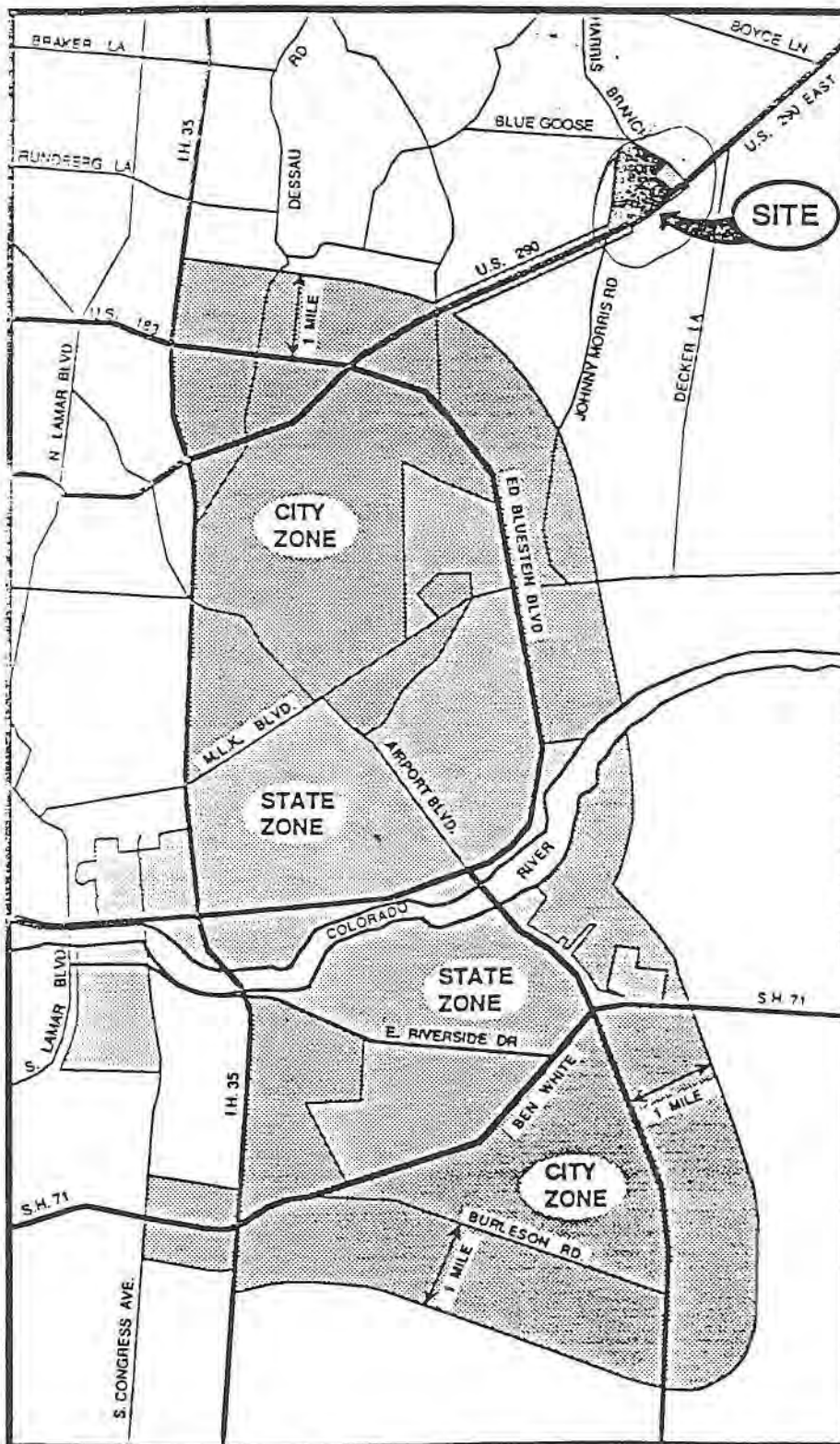
PODER (People Organized in Defense of Earth and Her Resources)  
55 N. IH 35, 205 B, Austin, TX 78702      472-9921/472-9922 fax



# Appendix B

## Exhibits 1-5

# AUSTIN ENTERPRISE ZONES



# TAX ABATEMENT PROJECTS





## APPENDIX B, Exhibit .a

TABLE 2 (continued)

## TRAVIS COUNTY, 1990 POPULATION AND ETHNICITY BY 1990 TRACT

1990 Tract	Total	White Perc. of Total	Black Perc. of Total	Hispanic Perc. of Total	Amer. Ind. Perc. of Total	Asian Perc. of Total	Other Perc. of Total
1990 Tract	Total	White Perc. of Total	Black Perc. of Total	Hispanic Perc. of Total	Amer. Ind. Perc. of Total	Asian Perc. of Total	Other Perc. of Total
21.06	2651	1521	57.4	741	28.0	368	13.9
21.07	3570	893	25.0	1978	55.4	665	18.6
21.08	2761	225	8.1	2290	82.9	223	8.1
21.09	3304	62	1.9	2860	86.6	362	11.0
21.10	2762	63	2.3	1465	53.0	1220	44.2
21.11	4218	210	5.0	1570	37.2	2385	56.5
21.12	3729	1675	44.9	1265	33.9	737	19.8
21.13	3418	1560	45.6	1357	39.7	466	13.6
22.01	1429	131	9.2	1120	78.4	158	11.1
22.02	2274	258	11.3	1630	71.7	379	16.7
22.04	666	476	71.5	84	12.6	96	14.4
22.05	3068	823	26.8	1537	50.1	664	21.6
22.06	3101	2940	57.6	849	16.6	1232	24.2
23.03	4119	2385	57.9	854	20.7	710	17.2
23.04	3370	665	19.7	547	16.2	1951	57.9
23.05	4896	2071	42.3	426	8.7	1927	39.4
23.06	4629	3058	66.1	317	6.8	918	19.8
23.07	4309	2261	52.5	385	8.9	1463	34.0
23.08	4338	2181	50.3	230	5.3	1830	42.2
23.10	2606	1224	47.0	412	15.8	892	34.2
23.11	3708	649	17.5	809	21.8	2211	59.6
23.12	2927	314	10.7	247	8.4	2329	79.6
24.02	4886	2281	46.7	335	6.9	2184	44.7
24.03	2424	1198	49.4	97	4.0	1102	45.5
24.05	8495	4633	54.5	781	9.2	2864	33.7
24.07	2446	2000	81.8	44	1.8	374	15.3
24.09	3497	1826	52.2	298	8.5	1278	36.5
24.10	3367	1862	55.3	260	7.7	1186	35.2
24.11	3799	1153	30.4	955	25.1	1578	41.5
24.12	4602	1528	33.2	780	16.9	2147	46.7
24.13	2463	710	28.8	574	23.3	1112	45.1
24.14	7257	4630	63.8	534	7.4	1940	26.7
24.15	6682	4037	60.4	556	8.3	1890	28.3
24.16	6237	3562	57.1	275	4.4	2241	35.9
24.17	4424	2408	54.4	401	9.1	1517	34.3
24.18	3238	2387	73.7	152	4.7	648	20.0
Totals	576,407	375,279	65.1	50,998	10.6	121,689	21.1

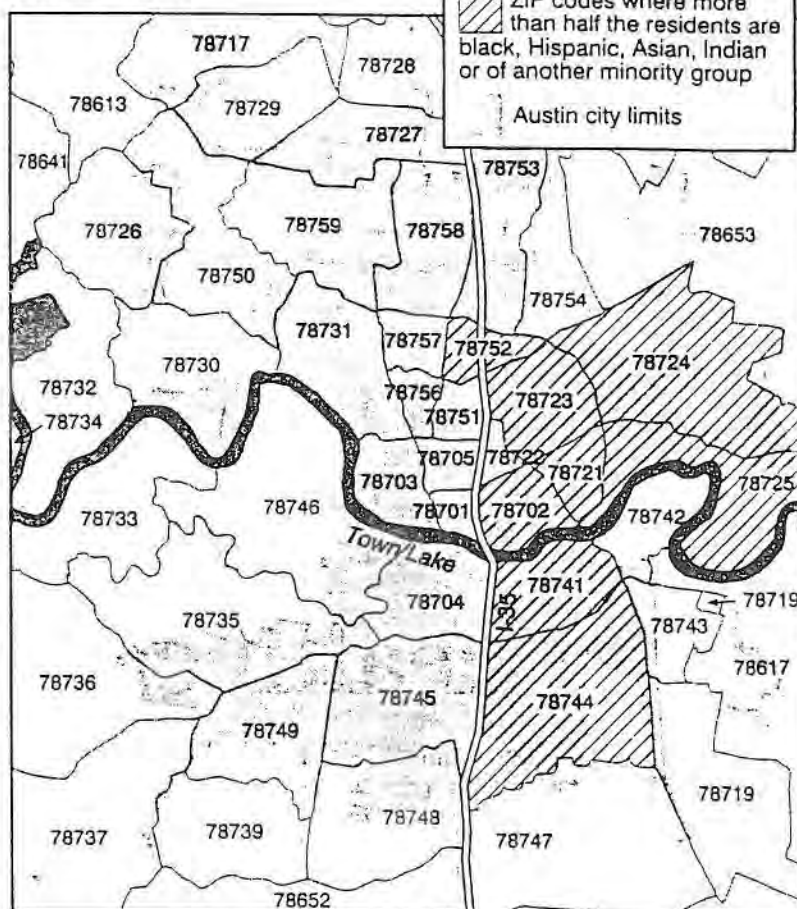


# Racial distribution in Austin

Austin voters will have a chance next week to switch from the current at-large election system for the seven-member City Council to a single-member district plan that would expand the panel to nine representatives. Under the proposal, eight council members would be selected from sections of the city called neighborhood election districts. Each would include about 60,000 residents. Austin's mayor would still run at large. The map shows Austin-area ZIP codes and Austin's city limits. Some ZIP codes are only partially within the city limits.

## Population, racial distribution, by ZIP

ZIP	Pop.	% whites	% blacks	% Hisp.	% Asian	% Indian	% other
78701	3,780	70.24	12.33	14.26	2.83	0.00	0.34
78702	21,377	6.46	30.43	62.46	0.09	0.16	0.40
78703	18,295	82.55	1.40	8.43	6.86	0.54	0.22
78704	39,163	63.39	4.10	30.62	1.37	0.32	0.19
78705	23,654	78.36	3.28	9.06	8.96	0.18	0.16
78717	2,441	85.33	4.75	7.41	1.72	0.78	0.00
78719	5,548	51.87	14.92	29.09	2.65	1.24	0.22
78721	9,157	2.72	60.98	35.82	0.07	0.05	0.36
78722	5,526	52.55	30.42	14.69	1.92	0.42	0.00
78723	23,022	40.77	39.94	17.89	1.18	0.19	0.03
78724	6,779	21.94	60.61	17.05	0.21	0.19	0.00
78725	2,548	43.72	26.14	22.96	7.18	0.00	0.00
78726	744	93.68	4.44	1.88	0.00	0.00	0.00
78727	14,394	76.00	8.36	11.40	3.95	0.29	0.00
78728	7,924	73.41	8.80	13.10	4.47	0.00	0.23
78729	16,550	82.58	4.64	8.25	4.10	0.23	0.20
78730	986	95.94	0.00	0.81	1.83	1.42	0.00
78731	23,272	90.81	1.40	5.25	2.42	0.06	0.06
78732	866	94.92	0.00	5.08	0.00	0.00	0.00
78733	4,051	89.19	0.81	8.74	0.59	0.67	0.00
78734	7,419	93.33	0.22	5.61	0.74	0.11	0.00
78735	3,471	88.48	0.09	10.29	0.89	0.26	0.00
78736	5,883	85.33	1.09	12.78	0.39	0.41	0.00
78737	4,150	91.83	0.31	7.25	0.60	0.00	0.00
78738	623	92.78	0.00	4.82	0.00	2.41	0.00
78739	3,216	83.36	3.51	8.96	3.86	0.19	0.12
78741	25,356	40.47	11.14	43.24	4.56	0.15	0.43
78742	1,624	55.67	15.02	27.34	1.97	0.00	0.00
78744	23,184	42.64	15.61	39.11	2.17	0.37	0.10
78745	48,121	63.96	5.66	29.07	1.01	0.14	0.14
78746	18,853	92.55	0.42	4.17	2.54	0.33	0.00
78747	3,212	76.84	2.30	20.70	0.00	0.16	0.00
78748	16,107	69.35	6.53	21.08	2.88	0.05	0.11
78749	13,662	74.45	4.85	17.73	2.66	0.32	0.00
78750	8,957	90.26	1.26	5.35	3.03	0.10	0.00
78751	12,718	69.22	3.51	19.29	7.36	0.51	0.11
78752	13,266	45.19	21.47	29.85	2.65	0.72	0.13
78753	26,726	60.49	16.80	19.73	2.35	0.33	0.30
78754	2,350	67.15	14.21	14.38	3.57	0.38	0.30
78756	7,569	79.50	2.51	15.39	2.26	0.13	0.21
78757	11,788	85.03	1.51	11.79	0.66	0.60	0.41
78758	43,325	64.89	11.47	18.81	4.35	0.28	0.20
78759	27,532	87.79	1.98	6.38	3.57	0.24	0.04



Austin ZIP codes with a high percentage of:

## Minority population

ZIP codes where more than half the residents are black, Hispanic, Asian, Indian or of another minority group:

ZIP	% minority	ZIP	% minority	ZIP	% minority	ZIP	% minority
78702	93.54	78723	59.23	78725	56.28	78744	57.36
78721	97.28	78724	78.06	78741	59.53	78752	54.81

## White population

ZIP codes where more than half the residents are white:

ZIP	% white	ZIP	% white	ZIP	% white	ZIP	% white
78701	70.24	78727	76.00	78736	85.33	78749	74.45
78703	82.55	78728	73.41	78737	91.83	78750	90.26
78704	63.39	78729	82.58	78738	92.78	78751	69.22
78705	78.36	78730	95.94	78739	83.36	78753	60.49
78717	85.33	78731	90.81	78742	55.67	78754	67.15
78719	51.87	78732	94.92	78745	63.96	78756	79.50
78722	52.55	78733	89.19	78746	92.55	78757	85.03
78726	93.68	78734	93.33	78747	76.84	78758	64.89
		78735	88.48	78748	69.35	78759	87.79

## Black population

ZIP codes where more than half the residents are black:

ZIP	% black
78721	60.98
78724	60.61

## Hispanic population

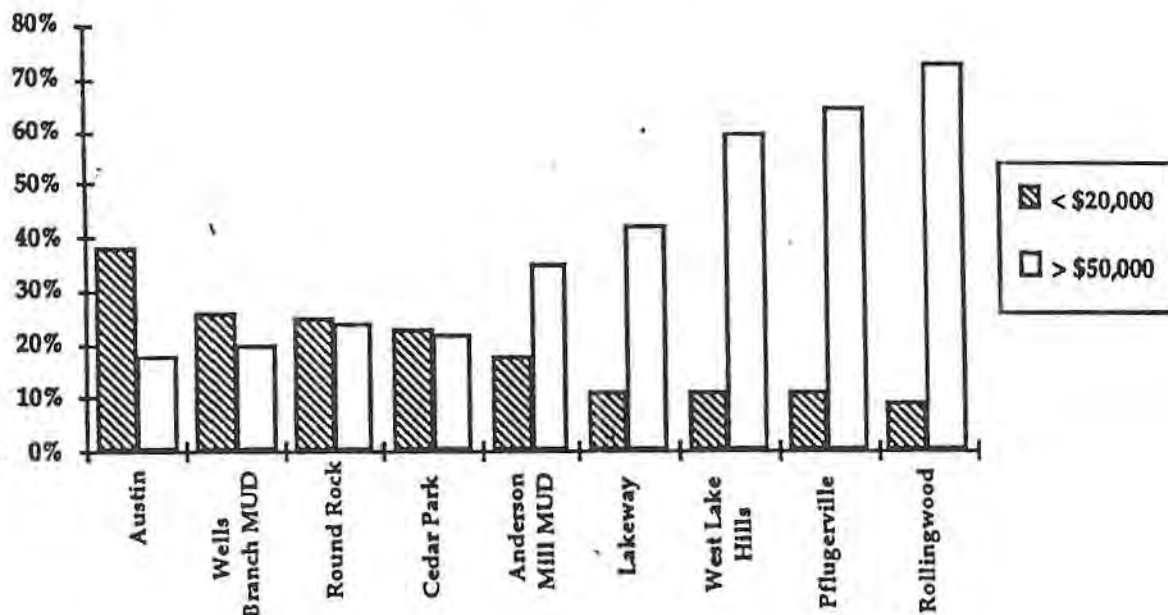
The ZIP code where more than half the residents are Hispanic:

ZIP	% Hispanics
78702	62.46

### Poverty Trends

While Austin has a large number of affluent households, the City also has the highest proportion of low-income households when compared with other local communities. Suburban communities continue to be predominantly middle and upper income. See Figure 5.

**Figure 5**  
**Austin Has the Highest Proportion of Low-Income Households When Compared to Other Local Communities**



Source: City of Austin Planning and Development Department

The 1989 median household income of Austin is \$25,414 as compared to a median income of \$27,488 in Travis County. See the geographic distribution of median incomes in the Austin MSA map in Figure 6.

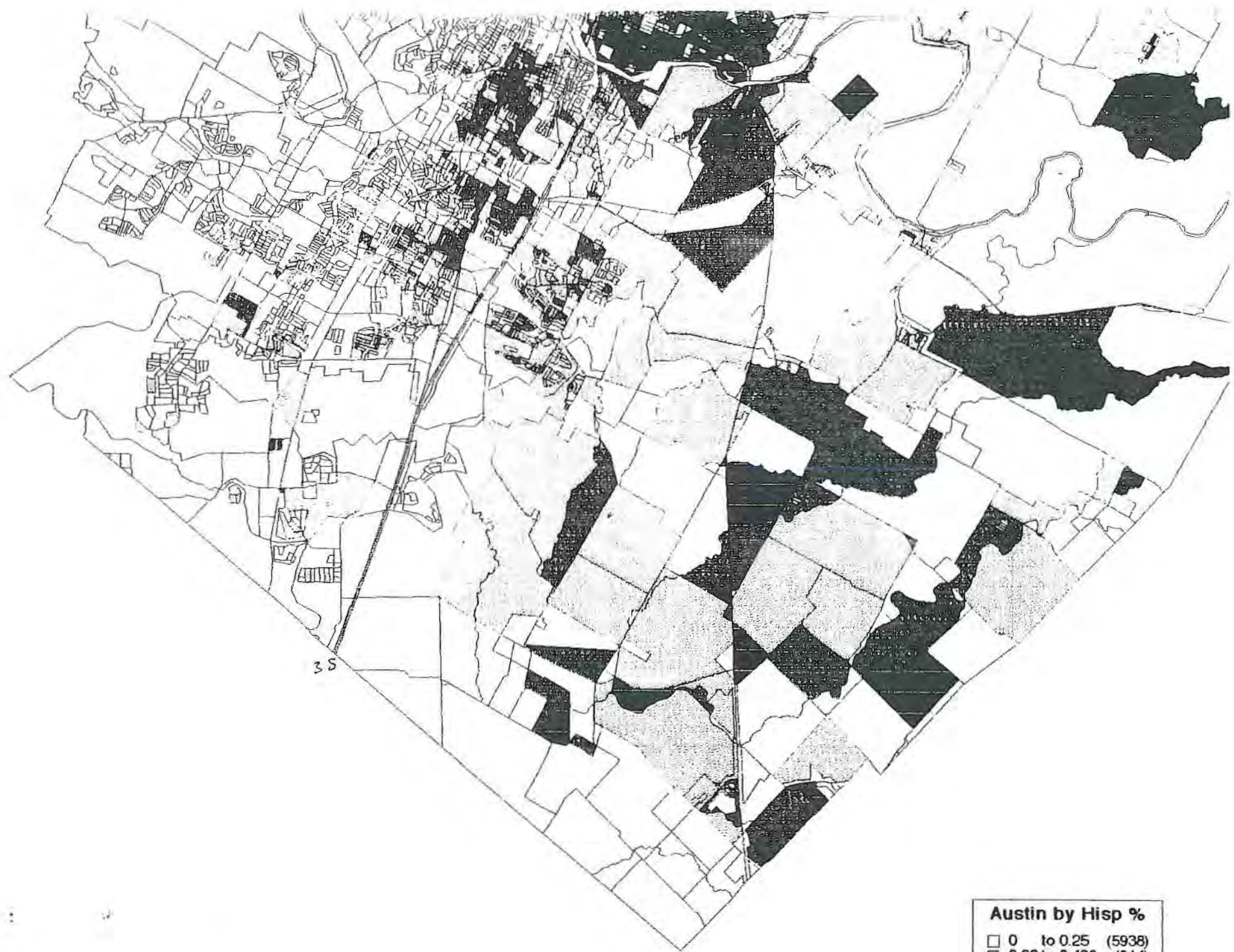
Poverty is largely a central city phenomenon in metropolitan Austin as illustrated in Figure 7. Austin neighborhoods that have experienced a significant increase in the poverty rate between 1980 and 1990 are identified in Figure 8.



# Austin By Hispanic Population







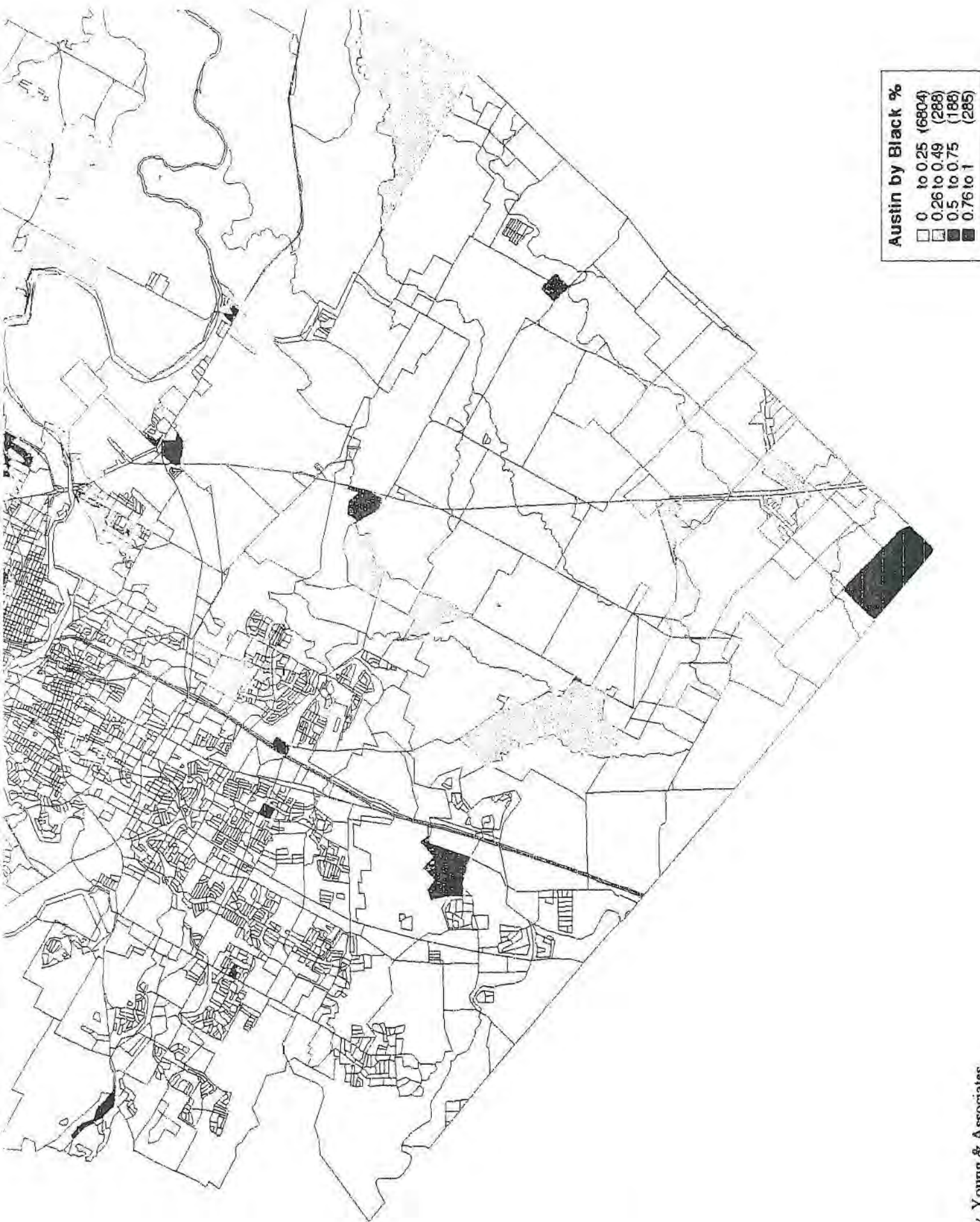
Austin by Hisp %		
□	0 to 0.25	(5938)
▒	0.26 to 0.499	(914)
■	0.5 to 0.75	(377)
■	0.75 to 1	(336)



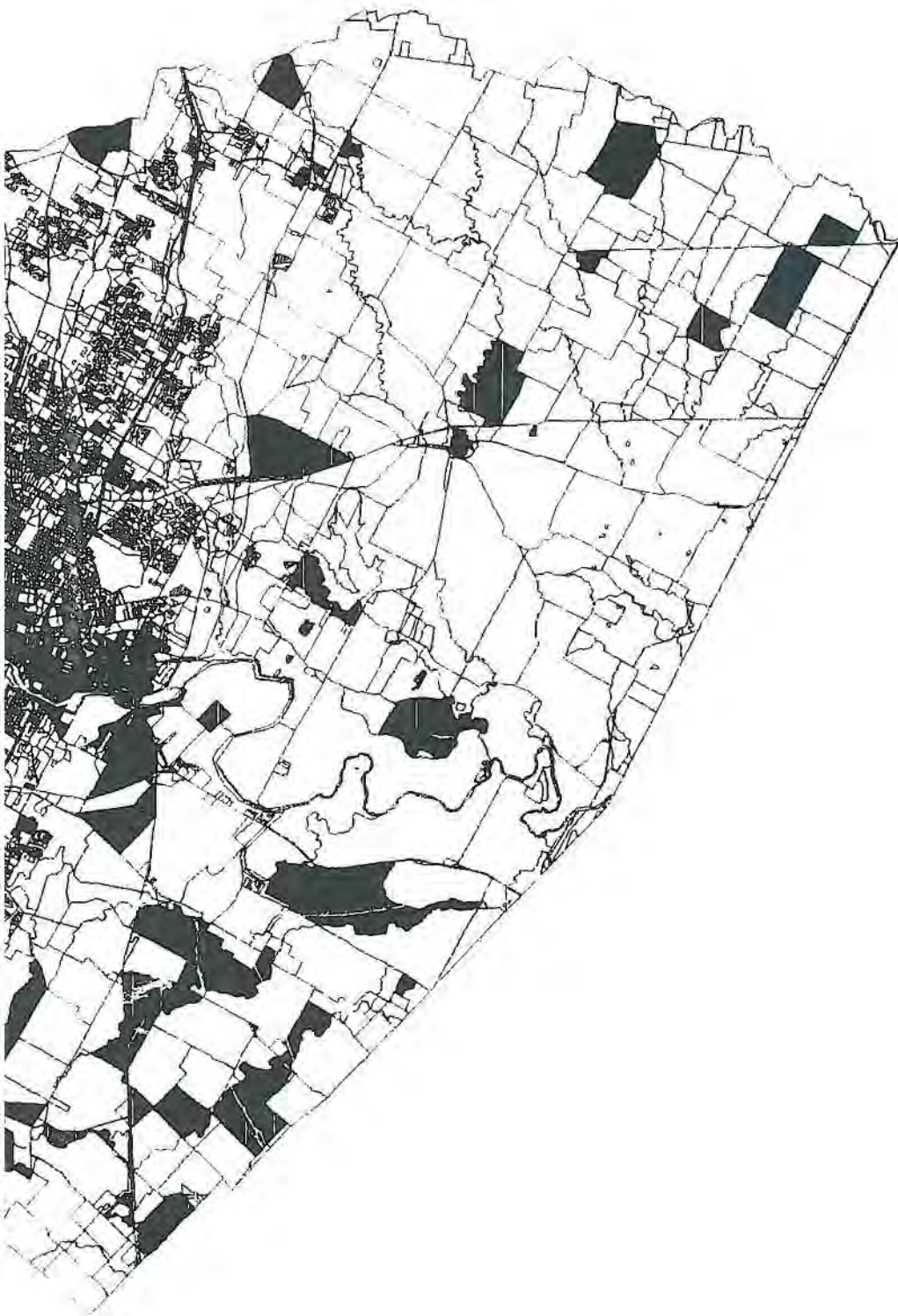
# Austin By Black Population







# Travis County Hispanic Population Concentration



## Travis by Hisp %

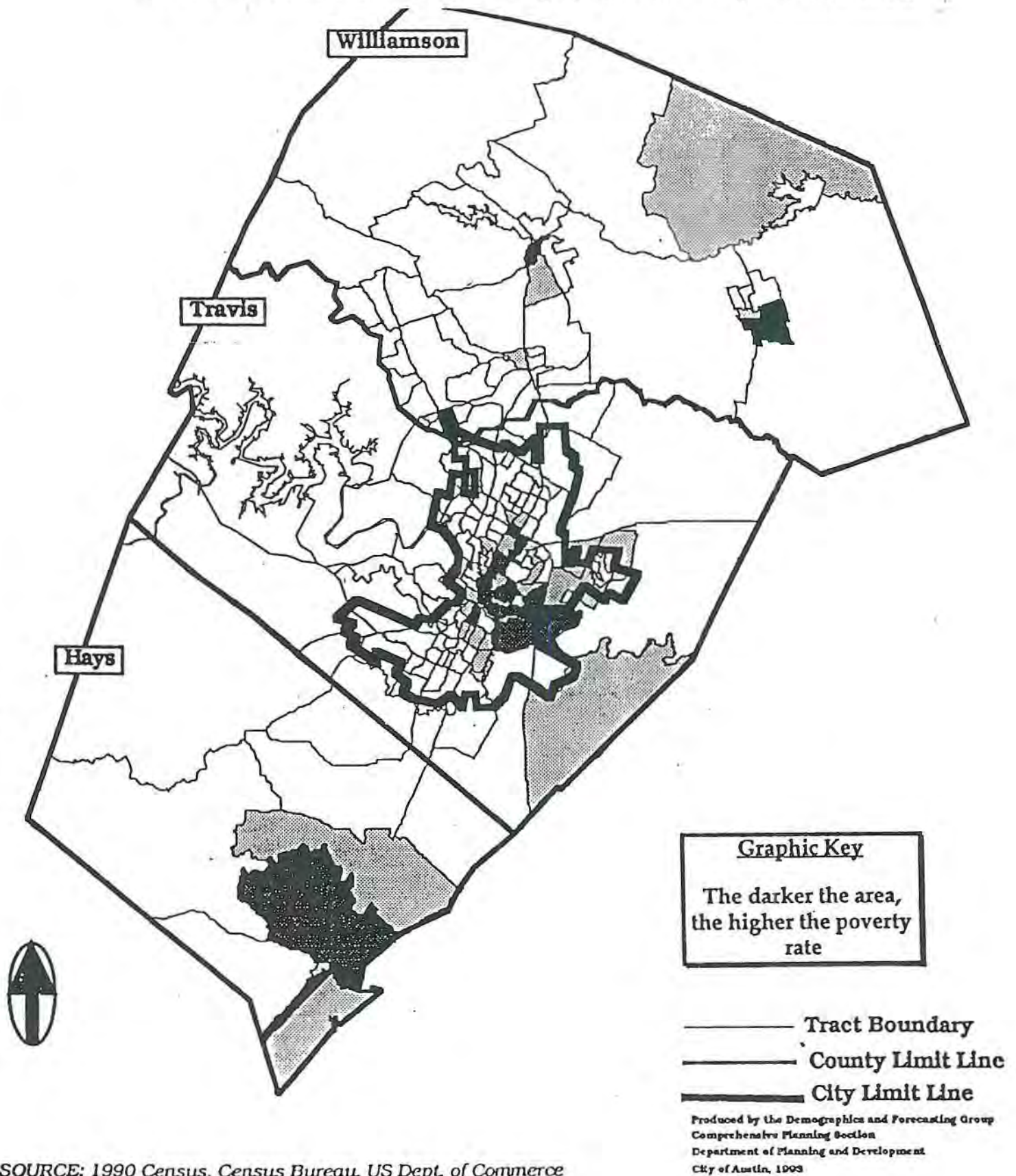
0 to 0.25	(7605)
0.26 to 0.49	(969)
0.5 to 0.75	(409)
0.76 to 1	(349)







Figure 7  
For the Austin Area, Poverty is Largely an Inner-City Phenomenon



SOURCE: 1990 Census, Census Bureau. US Dept. of Commerce